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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Mark E. Harris, First Baptist Church, Charlotte, North Carolina, offered the following prayer:

Heavenly Father, we enter Your presence today on behalf of our Nation, our leaders and ourselves. We come, not by our own worthiness, but by Your glorious invitation to ''come unto Me all who are weary, and I will give you rest.''

Please grant us wisdom today, for we need divine wisdom to fulfill the purposes You have for us. We need Your guidance to be able to heal the brokenhearted. We need Your strength to proclaim liberty to the captives and recovery of sight to the blind. We need Your power to free the oppressed.

So, I ask, Lord, that You would speak to the Nation, and that, indeed, we would all have ears to hear, eyes to see, hearts and minds ready to receive Your word.

God bless this House of Representatives, and may their minds be of Your mind. I ask this prayer in Jesus' name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COHEN led the Pledge of Allegiance as follows:

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

WELCOMING THE REVEREND DR. MARK E. HARRIS

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. Madam Speaker, it's truly my honor to welcome Dr. Mark Harris of Charlotte, North Carolina, to the House of Representatives. He is a dynamic and a true leader in our city, and a graduate of Appalachian State University and Southeastern Baptist Theological Seminary. He is currently the senior pastor at First Baptist Church in Charlotte.

He is joined in his ministry by his wife, Beth, and their children, Laura, John and Matthew. Under his leadership, the church has become one of the fastest growing Baptist churches in our area.

He is very straightforward and powerful in his preaching, and he is always challenging his parishioners to rediscover the joy of a personal relationship with Jesus Christ. I thank him for being here today.

IRAQ TIMETABLE AND FUNDING, CONGRESS NEEDS TO PASS CONFERENCE REPORT

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

Ms. JACKSON-LEE of Texas. Madam Speaker, nine more soldiers are dead, and our soldiers can claim victory in Iraq. Madam Speaker, even after losing thousands of American lives and spending billions of taxpayer dollars, the Bush administration continues to demand an open-ended commitment of American troops in Iraq with no exit plan and no strategy.

But this Democratic Congress, the leadership of Speaker PELOSI, understands the responsibility of war. We understand the commitment to the American people, and, yes, we understand the needs of national security. Retired military officers support our plan and the new direction for Iraq to begin to redeploy our troops to begin to bring them home.

Secretary Gates has gone to Iraq trying to stop the bleeding, but he believes that congressional debate is helpful, and he has said that the clock is ticking. Can the Bush administration understand that? The Pentagon has confirmed, through a Congressional Research Service report, that the President's comments about us stopping funding, the Congress stopping funding, is absolutely wrong.

We need to save lives. We need to restore the confidence and the leadership in Iraq, but we need to claim victory for our soldiers. They have done their job. It's time to bring them home now.

RESIGNATION AS MEMBER OF COMMITTEE ON NATURAL RESOURCES AND AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore (Mrs. TAUSCHER) laid before the House the following resignation as a member of the Committee on Natural Resources and as a member of the Committee on Financial Services:

HOUSE OF REPRESENTATIVES,
April 24, 2007.
Hon. NANCY PELOSI,
Speaker of the House, Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MADAME SPEAKER: It is my desire to resign from the House Committee on Natural Resources immediately. I look forward to returning to the committee soon.

Thank you.
Sincerely,

RICK RENZI,
U.S. Congressman,
First District of Arizona.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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HOUSE OF REPRESENTATIVES,
April 24, 2007.
Hon. NANCY PELOSI,
Speaker of the House, Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MADAME, SPEAKER: It is my desire to resign from the House Committee on Financial Services immediately. I look forward to returning to the committee soon.

Thank you.

Sincerely,

RICK RENZI,
U.S. Congressman,
First District of Arizona.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

LET THE SURGE WORK AND NOT SIGNAL DEFEAT

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

Mr. STEARNS. Madam Speaker, many in Congress and around this country insist that the President take the advice of The Iraq Study Group. Well, the President is doing just that. The report states, ''We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad, or to speed up the training and equipping missions needed.''

Well, my colleagues, that is what the President is trying to do. The cochair of the study group, James Baker, had this to say: ''Setting a deadline for withdrawal regardless of conditions in Iraq makes even less sense today because there is evidence that the temporary surge is reducing the level of violence in Baghdad.''

Rather than support a bill that leaves our troops in harm's way for a cause Democrats believe cannot be won, Democratic leaders should be willing to vote to allow time to let the surge work and not signal defeat.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

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

Ms. SCHWARTZ. Madam Speaker, I rise today in support of the Sowing the Seeds through Science and Engineering Research Act. By cultivating the Nation's next generation of skilled scientists and researchers who are in the early stages of their careers, the House-passed plan will better ensure that our Nation educates the best and the brightest young people to be scientists and engineers.

I firmly believe that leadership and innovation is absolutely necessary for the United States to maintain its competitive advantage in the increasingly global marketplace. My own home district in southeastern Pennsylvania is a leader in the field of biotechnology. I have seen the economic and social benefits of innovation and technology in science and engineering.

Science, research and biotechnology industries attract highly skilled workers and offer them good wages and benefits. These innovators and the businesses they are creating in my home district make us competitive in this global marketplace. Most importantly, they are developing new treatments, medicines, vaccines, that are improving the quality of life for people around the world. As the sister of a dedicated scientist and the mother of a young medical researcher, I recognize the need to support the work of highly skilled scientists whose work is on the cutting edge of research and development.

Madam Speaker, the "Sowing the Seeds Through Science and Engineering Research Act" will help ensure that we encourage and train highly skilled scientists in Pennsylvania and across the Nation. I am proud to have supported its passage.

SUPPORT AND FUND THE TROOPS

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

Mr. DAVIS of Kentucky. Madam Speaker, some of the Democratic leadership have declared it the job of Congress to micromanage the war in Iraq. Yet we learn today that the Speaker of the House has refused to be seen face-to-face with the very military commanders whose hands will be tied by the Democrat war funding bill.

This latest insult to our troops should come as no surprise as others in the Democratic leadership have declared the war lost despite our military commanders' statements to the contrary, and before General Petraeus has gotten the reinforcements he has requested. His reinforcement hasn't even been fully implemented before Congressional leaders have called it a failure.

I urge my colleagues to insist on a funding bill that does not give our enemies a date for our surrender. I believe our soldiers when they say the war is not lost, and we must give our military the resources it needs to win. Language of surrender is inappropriate with troops in the field and reinforces the perceptions of our enemies.

SUPPORT OUR TROOPS AND BRING THEM HOME

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

Mr. COHEN. Madam Speaker, there will be a conference committee report by the Senate and the House on the Iraq supplement, and the Iraq supplement will have a requested date, suggested date for our withdrawal.

It's not saying we have been defeated. We have won the war. America has won the war. Saddam Hussein's government was toppled and Saddam Hussein is history. We are now in an occupation, and you cannot win an occupation.

You cannot defeat beliefs with bullets. What we have in Iraq and in the Middle East are beliefs that are different from ours, and they can only be won by understanding and through changes, which God would put in people's hearts, and not through bullets. We need a bill to support our troops, and our bill will support our troops with more money than the administration gave it.

I ask the President to support the troops with the bill that the Congress will give him and support our troops and bring them home.

THE IRAQ SUPPLEMENTAL

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

Mr. BARRETT of South Carolina. Madam Speaker, 79 days and counting since President Bush committed his request for critical funding needed for our troops fighting on the front lines.

The Democratic leadership should bring the emergency supplemental to the floor without a timetable of defeat. It's not a decision of this House to arbitrarily pick a date this war should end. It's our job to ensure our military personnel have the resources they need to win and come home in victory. I wonder what men and women risking their lives every day for our safety, our security, our freedom, think about the Members of Congress sitting in their comfortable offices, playing politics with their money.

I came to the House floor this morning to speak to them and let them know there are Members of Congress who believe our military can succeed, and we are doing everything within our power to ensure victory. As long as I am United States Congressman, I will never turn my back on you. I will not stand in Washington, D.C., and tell your generals how to fight this war, and will never put politics above your safety or that of our Nation.

□ 1015

GUARANTEE ACCESS TO AFFORDABLE HEALTH CARE FOR ALL CITIZENS

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

Mr. KAGEN. Madam Speaker, I rise this morning on behalf of 47 million Americans who go to sleep every night knowing that tomorrow they may go broke solely because they cannot afford health insurance.

People without coverage often delay treatments they desperately require, and we are all paying the price, for early treatment saves lives and saves money. We saw that in Blacksburg, Virginia, and we see it every day in emergency rooms and in amputations due to diabetes.

There is a better way of doing things, a way to guarantee access to affordable care for all citizens. Let's build the largest insurance risk pool possible, 300 million strong. If you are a citizen, you are in.

Let's openly disclose prices so we know the price of a pill before we swallow it. And let's be kind to those who are in need.

I urge the President to extend the lifesaving SeniorCare drug program in Wisconsin, and please, please, please, do not veto the children's SCHIP health care program.

There is a better way of doing things. Let's find it together, with no patient left behind.

DEMOCRATS' DEFEATIST SUPPLEMENTAL BILL

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

Mr. WILSON of South Carolina. Madam Speaker, while our troops are on the battlefield continuing to go without critical funding needed to fulfill their missions, Democrat leaders still refuse to put forward a clean supplemental bill.

Last week, Senate Democrat Leader HARRY REID declared the Iraq war ''lost.'' Just yesterday, a Democrat Congressman said it is the job of Congress to micromanage the war. Our military leaders should manage the war, not politicians in Washington.

Despite reports of progress by our military leaders, Democrats continue to advocate withdrawal and defeat. This puts American families at risk at home. Early withdrawal will escalate, not end, the global war on terrorism.

Our troops deserve more from the men and women elected to provide for their well-being. Members of both parties should support our troops and pass a clean supplemental bill.

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

DEMOCRATS EXPAND HEALTH CARE COVERAGE

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

Mr. ALTMIRE. Madam Speaker, this is Covering the Uninsured Week, so I wanted to take this opportunity to remind my colleagues about the 9 million children in America that live without health insurance. I also wanted to take the opportunity to remind the American people that just last month, the Democratic Congress passed a 2008 budget that includes a $50 billion increase in funding for the State Children's Health Insurance Program, and we did it without raising a penny of taxes. By contrast, the President submitted a budget that, according to the nonpartisan Congressional Budget Office, would cut 1 million additional children out of the Children's Health Insurance Program.

Thankfully for the American people, Madam Speaker, Democrats rejected the President's budget in favor of one that expands health care for children.

TIME TO PASS A CLEAN TROOP FUNDING BILL

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

Mr. CARTER. Madam Speaker, the Democratic leaders have ignored the President's promise to veto legislation which loads our soldiers down with their pork-barrel spending and sets arbitrary deadlines for pulling out of Iraq. They know it is going to be vetoed, but they continue to make our troops wait.

The Commander in Chief, by their provision, would have to wait 15 days to deploy troops in certain circumstances, preventing us from having reinforcements for our soldiers in harm's way. They want to tie the hands of our generals by setting a surrender date. The first surrender date, they said, is July 1 of this year.

We don't need 535 generals in Washington commanding our troops. We need the professionals.

It is past time for the Democrats to do the right thing and pass a bill which funds our troops in harm's way. Their final drop-dead date deadline that they have set is very interesting, April 1, 2008. April Fool's day. Who are they trying to fool?

CONGRESS NEEDS TO PASS SUPPLEMENTAL CONFERENCE REPORT

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

Mr. WALZ of Minnesota. Madam Speaker, the conference agreement reached between the House and the Senate on the Iraq accountability bill provides more funding than the President has asked for our troops, more for our veterans, while forging a new direction in Iraq. This bill will hold the President accountable for meeting his own military readiness standards. The Iraqi Government will also be held accountable for the first time for meeting political, economic, and security benchmarks that the administration itself has set.

This Congress must pass this legislation, because our troops have performed magnificently. The administration has failed. They have failed to hold the Iraqis accountable.

President Bush criticizes our time lines, while both Secretary Gates and General Petraeus admit there is no military solution, and Secretary Gates even called the time lines in the bill ''constructive'' and ''helpful'' in pushing the Iraqis to a solution.

Madam Speaker, this Congress has a constitutional responsibility to be accountable for war to the American public. The President will have the opportunity to sign this bill on the fourth-year anniversary of his declaration of ''mission accomplished.'' I and the vast majority of the American people urge him to do so.

TROOPS NEED RESOURCES TO WIN THE WAR IMMEDIATELY

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

Ms. FALLIN. Madam Speaker, Congress must immediately send our troops the resources that they need to win this war, without strings and without delay. But instead, the Democrat leadership is proposing to tie the hands of our troops and hamstring our generals with a misguided plan to micromanage the war effort. This is just unacceptable.

The Los Angeles Times has said, ''It's absurd to try and micromanage this conflict and the evolution of Iraqi society with arbitrary time lines and benchmarks.'' And I agree.

It is absurd to assume that this war can be planned by 535 Members of Congress instead of our generals and our Commander in Chief. War by committee is not an option. I encourage the Democrat leadership of Congress to bring forth immediately a clean bill that provides the necessary funds for our troops and leaves tactical decisions in the hands of our generals and those who are experts.

WORKERS MEMORIAL DAY

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

Mr. HARE. Madam Speaker, this Saturday is Workers Memorial Day, when we mourn the loss of workers who have been killed on the job or from work-related diseases. Additionally, this year marks the 37th anniversary of the enactment of the Occupational Safety and Health Act. Although there has been progress, thanks to the tireless advocacy of organized labor, many workers are still at risk. Last year, in Illinois alone, 194 occupational fatalities were recorded. Unfortunately, OSHA, under the Bush administration, has issued only one major standard in its 6-year tenure, and has either withdrawn or delayed dozens of worker protection measures.

Congress must ensure the first step of workplace safety by requiring that OSHA issue timely standards and ensure the enforcement of those standards in all areas of the workforce.

I urge my colleagues to join me in this fight, and I encourage all Members of Congress to honor our Nation's workers this Saturday.

SUPPORT OUR TROOPS WITH A CLEAN SUPPLEMENTAL SPENDING BILL

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

Mrs. BLACKBURN. Madam Speaker, the liberal leadership of this Congress has put themselves and the lives of our military members, our soldiers in the field, in a very difficult position. When they passed the supplemental spending bill earlier this month for the global war on terror, they only did it by loading it up with pork. It sounds like a grocery list. They have got money for spinach, for beef, for fish and for peanuts. Billions of dollars of pork. They made their Members an offer that they couldn't refuse.

They claim to support our military, but in this bill they tie the hands of that same military by instituting a timetable for withdrawal and taking the power for running the war away from the commanders in the field. The majority leader, HARRY REID, didn't help when he said he thinks the war is lost.

American citizens need to ask themselves the question: What would happen, what would happen, if we were to walk away? It is the same question our Speaker, who obviously isn't going to meet with our commanding general, also needs to ask.

Let's respect the soldiers in the field by doing our job and passing a clean budget.

GETTING ADVICE OF REAL PROFESSIONALS ON IRAQ

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

Mr. DEFAZIO. Madam Speaker, Bush, CHENEY and their Republican apologists here in Congress say ''hands off their war. Leave it to the professionals.''

Well, if they followed their own advice, we wouldn't be at war in Iraq. Remember CHENEY and Scooter Libby, who is on his way to prison, phonying up intelligence, overruling the intelligence and military professionals, saying there was a threat, that there were weapons of mass destruction? They didn't exist.

Then they fired General Shinseki because he had the temerity to suggest if we didn't put in 400,000 troops, there would be a massive insurgency and a civil war. They fired him. If they had not fired General Shinseki, if they followed his professional advice, our troops wouldn't be mired in the middle of a civil war; and Paul Bremer disbanding the Iraq Army, de-Baathification, against all professional military and intelligence advice.

Now the Republican lapdogs have the temerity to say ''hands off Bush's war. Let the professionals run it.'' Well, it is time for some adults to step in here and really take advice from the professionals and get our troops out of the middle of this civil war.

COMMENDING ACTIONS BY INDIANA AUTHORITIES TO QUELL THE DISTURBANCE AT NEW CASTLE CORRECTIONAL FACILITY

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

Mr. PENCE. Madam Speaker, yesterday, as the Nation looked on, once again Indiana law enforcement, State, county and city personnel, showed their professionalism and courage.

I rise today to commend the swift response by Indiana State and local authorities to quell the disturbance that began at 2:01 p.m. at New Castle Correctional Facility, at the very heart of my congressional district.

During a routine transfer from a dining hall to their cellblocks, a group of inmates removed their shirts, an officer was knocked to the ground, and the situation quickly spiraled out of control involving nearly one-third of the prison's population.

Guards quickly isolated the areas of disturbance. As the Nation looked on over the cable airwaves, backup officers arrived just 15 minutes later. The Indiana Department of Correction activated its Special Emergency Response Team and involved the State police. All offenders and the facility were secured by 4:45.

Investigations will go forward and questions will be answered, but, Madam Speaker, on behalf of the citizens of eastern Indiana, I rise to express my pride and gratitude to the law enforcement community involved, the State, the local, the city and the county, all those who ensured that this disturbance was contained, tragedy was averted, and the people of my congressional district were protected.

DEMOCRATS REFUSE TO IGNORE THE NEEDS OF THE UNINSURED AND LOOK TO EXPAND SCHIP FOR CHILDREN

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

Mr. SIRES. Madam Speaker, this week is Cover the Uninsured Week. This year's focus centers on expanding health care coverage for America's children.

For 6 years, President Bush and the Republican Congress ignored our Nation's health care crisis. As a result, the number of uninsured increased by 7 million, to 47 million Americans; 9 million of them are children.

Studies show us that a child's health can be greatly improved if they have health care coverage. Children with access to health care are better prepared to learn in school and are better prepared to succeed in life.

The new Democratic Congress refuses to ignore America's uninsured, and that is why we passed a budget last month that provides a significant increase in funding of the SCHIP program. The $50 billion increase in funding over the next 5 years would allow us to provide health care to millions of children who are currently uninsured.

THE MEDICARE HEARING ENHANCEMENT AND AUDITORY REHABILITATION ACT

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

Mr. BILIRAKIS. Madam Speaker, I rise today to encourage my colleagues to cosponsor H.R. 1912, the Medicare Hearing Enhancement and Auditory Rehabilitation, HEAR, Act.

H.R. 1912 will provide for Medicare coverage of hearing aids and auditory rehabilitation services. Medicare is currently specifically prohibited from paying for hearing aids. The HEAR Act repeals this prohibition and directs the Secretary of Health and Human Services to determine the most appropriate manner for Medicare to provide this benefit.

Hearing problems can make it difficult to understand and follow a doctor's advice, respond to warnings and hear doorbells and alarms. Hearing problems can also make it hard to enjoy talking with friends and family. All of this can be frustrating, embarrassing and even dangerous. It makes good sense to help these people better afford devices, treatments and other services that will improve their quality of life and increase their safety.

I urge my colleagues to cosponsor H.R. 1912.

CHANGING DIRECTION TO PROTECT OUR NATIONAL SECURITY

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

Ms. CASTOR. Madam Speaker, today the House will vote on and hopefully pass the emergency supplemental bill. To the individuals who disagree with this new direction and our demand for accountability, I ask, how much longer will you continue to sanction the undermining of our national security under the Bush-Cheney policy? As a member of the Armed Services Committee, I ask this because this bill states that ''no units may be deployed to Iraq unless they are fully mission capable.''

What are you saying if you vote against this measure? In the Armed Services Committee, the Army Chief of Staff testified that the Bush-Cheney strategy is outstripping the means to execute it. Our ground forces in the U.S. are short of training, personnel and equipment. This is very serious, and I ask how anyone can vote against this bill and sanction the unwise Bush-Cheney course.

The risk to our Nation is serious and deepening. We must change direction, make more strategic decisions and bring our diplomatic, economic and moral forces to bear to protect our national security.

□ 1030

A SHAMEFUL STRATEGY

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

Mr. PRICE of Georgia. Madam Speaker, the Iraq supplemental bill being brought to the floor today is a bad idea wrapped in the wrong intentions. This is a time when Congress ought to be working together to provide our troops with the tools and the resources necessary to do their job.

Instead, the Democrat leadership is committed to a strategy that spells nothing but failure in Iraq. They are telling the commanders in the field that 535 politicians know better how to do their job. It is irresponsible for Members of Congress to play Commander in Chief. There is too much at stake in Iraq for political grandstanding.

This bill sends the wrong message to our soldiers, our allies and our enemies. It tells our troops that we have got no faith in them. It tells our allies that we lack the resolve of our stated commitment, and it tells our enemies all they have to do is wait.

This is shameful partisan politics that puts our troops at greater risk. It is wrong, and the American people are watching.

DEMOCRATS WILL NOT LET THIS WAR GO ON INDEFINITELY

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

Mr. JOHNSON of Georgia. Madam Speaker, the emergency supplemental conference report that will come before this House today does three crucial things. One, it supports our military men and women; two, it sets benchmarks for the Iraqis to meet; and, three, it makes clear that the war will not continue indefinitely.

Unfortunately, after 4 years, thousands of lives lost, and billions of dollars spent, the President continues to demand an open-ended commitment to our American troops being deployed on the streets of Iraq. President Bush says he will veto the emergency supplemental, ignoring the views of this Congress, the American people, former military generals and the nonpartisan Iraq Study Group.

While he delays signing this bill, the President continues to claim that the resources for American troops will begin to run out later this month. However, the fact is that the Congressional Research Service confirms resources will be available well into the summer.

The New York Times notes this week that the real obstacle to getting the money promptly to the troops would be the veto of the President.

The President should support this important legislation which sends a message that this war is not going on indefinitely.

ILLEGAL IMMIGRATION

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

Mr. BAKER. Madam Speaker, in 1986 the United States Congress passed an Immigration Reform Act. As a result, 2.7 million illegal immigrants were given amnesty. That translated immediately into 2.7 million reasons why anyone who wishes to come here should come here illegally.

Last week, in the storm-ravaged Katrina area, 88 illegal immigrants were arrested, 13 of whom had criminal felony convictions.

This is no longer just a minor problem. It is a taxpayer tragedy. Limited taxpayer resources are being stretched to meet the repair and rebuilding needs of the Katrina/Rita areas. To have those resources dissipated for those who ignore our law and come here illegally is not only a disservice to the American taxpayer, but to all the immigrants who play by the rules, who abide by American law and come here through the normal immigration process. It is time for this to come to an end. It is no longer an inconvenience. It is a tragedy.

HONORING ARKANSAS TEACHER OF THE YEAR AND NATIONAL TEACHER OF THE YEAR FINALIST, JUSTIN MINKEL

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

Mr. BOOZMAN. Madam Speaker, I rise today to express my heartfelt congratulations and pride in a young man who makes a difference daily in the lives of Arkansas' children, Justin Minkel.

Justin is a second grade teacher at Harvey Jones Elementary School in Springdale, Arkansas. His school is 85 percent minority, 93 percent on free or reduced lunch. Seventeen of his 25 students were below grade level in reading. By the end of the year though, 14 of them had reached or surpassed expectation.

I am proud that Justin decided to return to his home district and teach, and do the hard work which truly leaves no child behind. I congratulate him on being named the Arkansas Teacher of the Year of 2007, and a National Teacher of the Year finalist.

Again, we appreciate the hard work of Justin Minkel and all that he represents in the teaching profession.

FUNDING FOR OUR TROOPS

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

Mrs. BACHMANN. Madam Speaker, my message this morning is very simple, and it is this. Our troops in combat deserve to be sent the resources and the reinforcements that they deserve to succeed in their mission in Iraq without strings and without delay.

Putting in place a time line that allows for no flexibility and that culminates with a date certain for withdrawal just simply micromanages our commanders in the field and, unfortunately, will undermine the effort of our troops on the ground.

Today, General Petraeus has offered to meet with Members of Congress concerning the war effort, and I look forward to meeting with the general. I hope that our colleagues on the other side of the aisle will be there as well.

Can we remember that this war is truly about defeating terrorists, and that it is our effort to come together now, as Americans, to fight for freedom that will ultimately lead to our peace.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Ms. HERSETH SANDLIN. Madam Speaker, I seek unanimous consent to remove my name from cosponsorship of H.R. 65.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

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.

CALLING ON THE LEAGUE OF ARAB STATES TO ACKNOWLEDGE THE GENOCIDE IN DARFUR

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 7) calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 7

Whereas in July 2004, the House of Representatives and the Senate declared that the atrocities in the Darfur region of Sudan constitute genocide, and the Bush administration reached the same conclusion in September 2004, when then Secretary of State Colin Powell stated that ''the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur'';

Whereas estimates indicate that 400,000 people may have been killed by the Government of Sudan and its Janjaweed allies since the crisis began in 2003, more than 2,000,000

people have been displaced from their homes, and more than 250,000 people from Darfur remain in refugee camps in Chad;

Whereas the former United Nations Under-Secretary-General for Humanitarian Affairs, Jan Egeland, in late August 2006 stated that ''[i]nsecurity is at its highest level since 2004, access at its lowest levels since that date, and we may well be on the brink of a return to all-out war'';

Whereas despite the signing of the Darfur Peace Agreement in May 2006, violence against civilians, peacekeepers, and humanitarian workers continues unabated, including the killing of an estimated 12 humanitarian workers and 16 African Union Mission in Sudan peacekeepers;

Whereas in August 2006, the Government of Sudan began to deploy thousands of government troops for a major offensive in Darfur, once again threatening a major humanitarian catastrophe and risking the safety and security of millions of civilians;

Whereas, according to the Government of Sudan's plan, in a document submitted to the United Nations Secretary-General, Kofi Annan, the Government of Sudan planned to deploy approximately 26,500 additional troops and 7,050 additional police to Darfur;

Whereas the objectives of this deployment were ''to deal with the threats posed by the activities of groups that have rejected the Darfur Peace Agreement and to gain control over the security situation and achieve stability in Darfur'';

Whereas on August 31, 2006, the United Nations Security Council passed Resolution 1706, expanding the mandate of the United Nations Mission in Sudan (UNMIS) for the additional deployment of 17,300 peacekeeping troops and 3,300 civilian police personnel as well as 16 formed police units to Darfur;

Whereas implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) is slow, raising serious concern about the commitment of the Government of Sudan to fulfill its responsibilities;

Whereas President Omar Hassan El-Bashir of Sudan rejected the deployment of a United Nations peacekeeping force to Darfur, even as First Vice President Salva Kiir publicly stated his support for the deployment of a United Nations peacekeeping mission to Darfur;

Whereas in March 2006, at the Khartoum summit, Arab leaders worked against a plan to transform the African Union Mission in Sudan (AMIS) into a United Nations protection force with a mandate to protect civilians;

Whereas on August 20, 2006, in Cairo, Egypt, the League of Arab States met and backed Sudan's refusal of a United Nations peacekeeping force in the war-wracked Darfur region;

Whereas in September 2006, a resolution passed by the League of Arab States Council of Foreign Ministers called for the United Nations Security Council to give the Sudanese Government more time to implement its ''plan to improve conditions and preserve security'' in Darfur;

Whereas on November 30, 2006, the Peace and Security Council of the African Union approved a decision to extend the mandate of AMIS in Darfur through July 2007;

Whereas, although the United Nations was authorized and prepared to send peacekeeping forces to Darfur under United Nations Security Council Resolution 1706 (2006), the League of Arab States worked to obstruct the deployment of such forces or had sought to reduce their mandate;

Whereas the November 30, 2006, Abuja Communique of the Peace and Security Council of the African Union endorsed the deployment of a hybrid United Nations-African Union peacekeeping force and stated the following:

(1) The Special Representative shall be jointly appointed by the Chairperson of the Commission of the African Union and the Secretary-General of the United Nations, after appropriate consultations as per the practice.

(2) The Force Commander, who should be an African, shall be appointed by the Chairperson of the Commission in consultation with the Secretary-General of the United Nations.

(3) The Mission shall benefit from United Nations backstopping and command and control structures and systems.

(4) The size of the force shall be determined by the African Union and the United Nations, taking into account all relevant factors and the situation on the ground, as well as the requirements for it to effectively discharge its mandate.

Whereas in March 2007, ongoing negotiations between the United Nations Secretary-General, Ban Ki-moon, and President Omar Hassan El-Bashir of Sudan took place under the auspices of the League of Arab States Summit in Riyadh, Saudi Arabia, and with the encouragement of Saudi Arabia, Egypt and the Secretary General of the League of Arab States;

Whereas on April 16, 2007, Sudanese Foreign Minister Lam Akol announced that Sudan fully accepts a ''heavy support'' package from the United Nations, including significant additional logistical and military support, which represents the second phase of a three-step plan to create a hybrid United Nations-African Union peacekeeping force of approximately 17,000 troops and 3,000 police; and

Whereas the support of the League of Arab States and each Member State individually will be critical to end the genocide in Darfur: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly urges the League of Arab States and each Member State individually to declare the systematic torture, rape, and displacement of Darfurians a genocide;

(2) strongly urges the League of Arab States and each Member State individually to agree and pass a resolution at their next meeting to support and accept a robust hybrid United Nations-African Union peacekeeping force, as agreed to by all parties to the Abuja Communique on November 30, 2006, to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and

(3) strongly urges the League of Arab States to continue to work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about real and lasting peace and stability in Darfur, the refugee camps, and along the Chadian border.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

Madam Speaker, let me first thank the sponsor of this resolution, our friend and colleague from the Bay Area, BARBARA LEE, for introducing this important measure. Let me also acknowledge the leadership on the Darfur issue of our distinguished majority leader, our friend and colleague, STENY HOYER, who recently returned from a very important and timely mission to the region.

Madam Speaker, we are still haunted by the echoes of the Holocaust, which Congress commemorated last week in the Capitol rotunda. The message from that horrific time is fresh in our minds as we consider another terrible genocide, the slaughter in the Darfur region of the Sudan.

Despite that profound message, the international community has allowed as many as 450,000 people to be killed, by some estimates, in Darfur. The Sudanese Government has been allowed to perpetuate a shocking campaign of terror for too long. And complacent governments around the world have stood on the side lines for too long.

So today, the question faces us, will we again fail to heed the message of the Holocaust? Will we allow Khartoum to keep terrorizing the impoverished and desperate minority there into extinction?

Slight signs of progress have emerged over the past few weeks, even if it has come too late for the dead. The Sudanese Government agreed to let a 3,000 person strong United Nations peacekeeping force to enter the country and join the African Union troops already there. This is meant to be a stepping stone to a larger and more robust force.

But the Sudanese Government made the decision under pressure and only after months of excruciating backtracking and delay. But the Sudanese Government has resisted the U.N.'s efforts to send 20,000 peacekeepers to Darfur. The U.N. has deemed this larger force necessary to protect civilians and to enforce a peace.

I have no doubt that Khartoum will continue to play games until they once again feel the pain of international pressure. As we speak, the government there is deliberately intimidating aid workers in Darfur. Let me be clear: The difference between a small, targeted force and a very substantial deployment is no mere sticking point. It is absolutely essential.

It is essential to stopping the Arab militias from continuing to carry out the government's dirty deeds. It is essential to clearing the path for crucial food and water and health supplies to reach the refugee camps. And it is essential because injustice is only really addressed when it is obliterated, not when it is slowed to a painful trickle of

displacement, harassment and disrupted lives. We must have that bigger U.N. force in the Sudan.

Now, finally, the international community has spoken with one voice. But more pressure needs to be applied. They cannot be allowed to slide backward this time.

The resolution before the House today urges those who may have the most influence, the Arab League and its member states, to take dramatic steps to help bring peace to Darfur.

The resolution urges the Arab states to declare the systematic torture, rape and displacement of Darfurians a genocide, and to support and accept U.N. peacekeepers. It also urges the Arab League to work with the United Nations, the African Union and the United States Presidential Special Envoy for the Sudan, Andrew Natsios, to bring about peace and stability to Darfur, the refugee camps, and along the Chadian border.

I believe it is the solemn duty of all who have said ''never again'' to speak out about genocide, especially this brutal one in Darfur. More importantly, I believe it is our duty in this Congress to do something about it without any delay.

I ask all of our colleagues to vote for this important and timely resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in very strong support of H. Con. Res. 7, and congratulate Congresswoman JACKSON-LEE for authoring this important measure. It sends a very clear and nonambiguous message to the Arab League to recognize the killing fields of Darfur as ''genocide'' and to support the deployment of the hybrid U.N. peacekeeping force pursuant to U.N. Resolution 1706.

It is timely that we consider this resolution today as leaders and activists around the world unite to raise awareness and urge action to stop the genocide during this week's Global Days for Darfur.

Madam Speaker, no other people on Earth have suffered more than the people of Sudan. Tragically, they have been victimized by not one, but two genocides. In the south, over the course of 2 decades, some 2 million people were murdered by the Khartoum regime, and only a robust peacemaking effort, backed by the military efforts on the ground by Dr. Garang, resulted in a comprehensive peace agreement that was very ably brokered by Senator Danforth as the Special Envoy appointed by President Bush. Indeed, President Bush, I think, made the crucial difference in bringing peace to southern Sudan.

But just as that peace was breaking out, in February of 2003, hostilities began in Darfur, and now we have, regrettably, another genocide, in excess of 400,000 people dead and 2 million people displaced.

Several months ago, Madam Speaker, I traveled to Darfur and met some of the heroic survivors of genocide at two camps, at Mukjar and at Kalma camp. When our old Soviet era helicopter landed at the remote Mukjar camp, thousands of women and children danced, clapped and sang beautiful traditional African songs. The people of Darfur, as we all know, have a remarkable generosity and spirit. And it was awe inspiring and heart breaking at the same time.

□ 1045

At first glance most of the people had a superficial glow of physical wellness, thanks in large part to the brave NGOs bearing food, clothing, shelter, and medicine. However, even those necessities are now at risk due to the insecurity in Darfur caused by a lack of protection of humanitarian aid workers.

As the H. Con. Res. 7 points out, Khartoum is now targeting relief agencies and NGOs, and at least 12 humanitarian workers have been killed in Darfur.

It profoundly troubles me, and troubled me especially on the trip, to look at the appalling fear and trepidation. It is ever-present. Trauma, posttraumatic stress disorder is everywhere. I spoke with many women who told me personal stories of rape, senseless beatings and massacres by the Janjaweed and the Sudanese militias. Among the refugees and IDPs, emotional woundedness and brokenness is everywhere. Like you and me, Madam Speaker, all that the wonderful people of Darfur really want is to love God and their families and their friends and to earn a living and to live in peace, and yet they have had atrocities imposed upon them that no human should have to bear.

On that same trip, Madam Speaker, I also had a lengthy meeting with President Bashir at his presidential suite in Khartoum. All Bashir wanted to talk about was ending United States trade sanctions, not the horrific loss of life in Darfur. For me the exchange was eerily reminiscent of a conversation I had had in Serbia with the late Slobodan Milosevic after he invaded Croatia, then Bosnia, and unleashed the Balkan genocide. He too, like Bashir, was unmoved by the plight of suffering people.

On October 5 of 2006, I wrote a letter, cosigned by 175 Members of Congress, to the Secretary General of The League of Arab States, asking him to use his authority to employ all diplomatic means available to encourage Bashir to halt Sudan's military offensive in North Darfur, to withdraw Sudanese troops from the area, and to reverse the Arab League's opposition to the U.N. deployment of peacekeepers. I believe, and this resolution makes absolutely clear, that the UN-AU hybrid force is today the best option to enforce a cease-fire, protect civilians, ensure access to humanitarian assistance, and begin the path to reconstruction and reconciliation in Darfur. We pointed out in the October letter that the collective voice of the Arab League could clearly help save thousands of lives and bring peace and security to Darfur. Right now they are part of the problem. It is time the Arab League became part of the solution.

Finally, this legislation strongly urges the League of Arab States to declare that the systematic torture, rape, and displacement of Darfurians is a genocide, and strongly urges the Arab League to agree and pass a resolution to accept and support the U.N. peacekeepers, again, as the best option to enforce that cease-fire and to give the people of Darfur what they so desperately need: peace and reconciliation.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 8½ minutes to the gentlewoman from California (BARBARA LEE), member of the Committee on Appropriations and the main sponsor of this resolution now before us.

Ms. LEE. Madam Speaker, let me thank the gentleman for yielding and for his leadership on so many issues relating to human rights and genocide and our foreign policy.

I also want to thank Chairman LANTOS. I want to thank Speaker PELOSI. I want to thank our majority leader, Mr. HOYER, and I want to thank Congressman DON PAYNE, who for so long was the lone voice in the wilderness speaking out against the horrific genocide that is taking place in Darfur. Also I want to thank Congressman SMITH and all of our Republican colleagues, Congresswoman ROS-LEHTINEN; our staff, Joan Condon, Pearl Alice Marsh, Christos Tsentos, all of you who have not only worked so diligently with your expertise and your clarity but also because you all are committed to the work that we are doing to try to end this genocide.

Let me thank our cosponsors of this resolution. We have over 115 cosponsors, bipartisan cosponsors.

This is a very important moment for this House of Representatives and for the world. Thirteen years ago the world did stand by as nearly 1 million people were slaughtered in the genocide of Rwanda. The best our country could do then, the best we could do, was apologize, and that was after the fact. Many of us swore that another Rwanda would never happen again, would never take place on our watch. But, today, Madam Speaker, it is happening again.

Nearly 3 years ago, on July 22, 2004, Congress formally declared that genocide was taking place in Darfur. Estimates indicate that nearly 450,000 people now, 450,000 people, have been killed and 2.5 million innocent civilians have been displaced to this date. That is mind-boggling.

I witnessed this ongoing tragedy in January of 2005, when I first visited the refugee camps in Chad and in Darfur, led by another leader against this

genocide, Congressman ED ROYCE; also with two great humanitarian leaders, Don Cheadle, Academy Award nominee for ''Hotel Rwanda''; and Paul Rusesabagina, who also is a hero who was in Rwanda and led many people out of that tragedy.

In February 2006, once again under the leadership of our great Speaker, Speaker NANCY PELOSI, I visited the refugee camps with a bipartisan delegation in Darfur. And just 2 weeks ago, we returned from Darfur again. This was my third visit, again a bipartisan congressional delegation under the leadership of our leader, our majority leader, Congressman STENY HOYER.

I say this to say that I have seen this now three times, this tragedy, and it is quickly, quickly, continuing to deteriorate very rapidly. More and more people are dying. Regardless of what you hear, we know that more and more people are dying. We heard now that 1,500 to 2,000 a week are dying, and even humanitarian aid workers are at risk. Cars are being hijacked. The day before our delegation arrived, five African Union soldiers from Senegal were killed. They were killed. And the general, the head of the African Union, he begged us to send more peacekeepers. He begged us to send more logistical support and to help with what they need so that they can provide the civilian protection against this slaughter. Unfortunately, for many Darfurians, the situation is still very, very grim.

As part of our visit this time, we also went to Egypt and met with President Mubarak. He indicated that Egypt had deployed 900 troops to help implement the comprehensive peace agreement in southern Sudan. Additionally, Egypt had sent about 150 military observers and police to Darfur and was supporting a field hospital that was serving 200,000 people. These efforts are extremely, extremely important. But we urged him to do more and to use his influence with the Sudanese Government to help stop the atrocities.

News reports last week indicate that Egypt, Saudi Arabia, and the League of Arab States and the United Nations were all instrumental in pressuring President Bashir of the Sudan to accept the second phase of the three-part agreement to implement an African Union-United Nations hybrid peacekeeping force. If true, this agreement to deploy the so-called ''heavy support package'' would provide for an additional 3,000 peacekeepers, helicopters, and significant logistical and military support for the hybrid force. But as the African Union told us, they need at least 22,000-plus troops.

So whether or not we see this 3,000 force come into Darfur remains to be seen. Past experience has taught us that we can never take President Bashir at his word. News reports the very next day detailed a United Nations investigation that caught Khartoum disguising military supply planes in United Nations colors in order to supply weapons to their janjaweed allies.

The international community and our friends in the League of Arab States cannot allow this sort of double-dealing to take place. We have all got to keep the pressure on Khartoum, and that is why we have got to pass this bipartisan resolution today.

The thrust of this resolution is very simple. It calls on the League of Arab States and each member state to be our partners for peace by stepping up their efforts to end the genocide in Darfur. For too long the world has been silent in this struggle. I remember in my trips to Algeria, meeting with the President of Algeria, and a previous visit to Egypt several years ago that the government officials were very reluctant to call the ongoing atrocities in Darfur genocide, and some even denied that genocide was taking place. But we know that it is.

Even just last week, Egypt expressed its opposition to further United Nations sanctions against Sudan, urging that we give President Bashir more time. More time for what? To allow more innocent people to get killed?

While it appears today that in some cases those outlooks are changing of some of the Arab states, there is still much more that they can do and that we can do. We must demand that President Bashir follow through on the full deployment of the AU-UN hybrid force; and we must urge all parties, the rebels and the government, to end the violence and come to the table to negotiate a political solution. But we cannot and we should not hold a cease-fire declaration hostage to a peace agreement or vice versa. We cannot wait for a peace agreement to stop the slaughter. We must do both at the same time. And we must insist that Darfurians return to their homes, figure out a way so they can get home quickly to their villages and reclaim their lives.

Our own efforts to stop this genocide must intensify also. We must pursue divestment to remove all United States funding from any business that is supporting the Sudanese Government and the ongoing genocide. And we have got to explore further sanctions and legislation that I know my colleague Congressman DON PAYNE is working on.

Lastly, we must engage with the Chinese to leverage their influence on the Sudanese Government and help put a stop to this violence. As the principal buyer of oil from the Sudan, the Chinese have the ability to exert political and financial pressure on President Bashir. We need their help to end the genocide.

I salute the faith community and our young people around the country who are organizing and speaking out and working day and night to end this genocide. This week they are conducting a series of ''Darfur Days'' as they continue to say ''not on our watch.'' We hope that our friends in the Arab world join these young people in saying not on their watch, never will this happen again.

I just want to mention that our beloved colleague Congresswoman Juanita Millender-McDonald, who passed away this weekend, worked tirelessly to end this genocide in Darfur. So I am asking for a strong bipartisan vote on this resolution in her honor. And for the young people, the men and the women whom we have seen and whose lives we know have been destroyed, and for those who have died, let us say to the entire world and let us ask our partners for peace in the Arab world to end this genocide now.

□ 1100

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise today in strong support of this legislation.

Earlier this month, I had the invaluable opportunity to travel to the war torn country of Sudan as part of a bipartisan congressional delegation led by our distinguished majority leader, Mr. HOYER. We journeyed to the besieged African nation to meet with the government and humanitarian leaders to discuss issues related to the ongoing atrocities in Darfur. What I saw was horrendous, and I am pleased that we have once again joined together here in this Congress to call for an end to this genocide.

The ongoing crisis in Darfur and western Sudan has led to a major humanitarian disaster. At the core of the current conflict is a struggle for control of political power and resources, with an estimated 1.9 million people displaced, and more than 213,000 people forced into neighboring Chad. Observers estimate that up to 450,000 people have been killed over the course of this violence.

It is deplorable that any government would use the systematic dislocation of its own people and the disease and starvation that inevitably follow as a weapon, not to mention the outright violence that the Government of Sudan has helped foster in Darfur. The situation there is clearly one of the worst humanitarian crises in recent times. As a Nation dedicated to freedom and the rights of the individual, we have a responsibility to speak out when those rights are violated, whether at home or abroad. This House has already taken action condemning the situation in Sudan, but still more must be done to end this humanitarian crisis. That is why I am joining with my colleagues in supporting this resolution.

The resolution calls on the League of Arab States, Sudan's neighbors, to acknowledge the genocide in Darfur and step up their efforts to end this genocide. This crisis has cast an international spotlight on Darfur and the region, and we must urge the Arab League to step up their efforts and join with the world in ending genocide.

While I have never seen anything like what I saw in Darfur, the situation is not completely hopeless. The humanitarian assistance the United States is

providing is helping millions of people in desperate circumstances, but we must continue using international sanctions to force access for additional peacekeeping and humanitarian missions in order to stabilize this volatile place and prevent further genocide.

Madam Speaker, while I was in Darfur, we had the opportunity to visit the Alsalom Internally Displaced Persons Camp, where some 47,000 people live in the most humble of conditions, some in huts made of twigs barely the size of a pup tent, with perhaps a piece of cloth or plastic to provide some additional protection. This is one of a hundred such camps spread across Darfur containing nearly 2 million people.

While there, we had the opportunity to meet some very wonderful and very desperate people. We had the opportunity to look into the eyes of children, children who have the same hopes and expectations that all young children have, and yet, as I stood there, I realized how uncertain their future was.

As long as that condition exists, the United States must continue to be the leader in shining a spotlight on what is going on in Sudan and working together to bring an end to this atrocity, and to bring hope, real hope, to those children.

Mr. ACKERMAN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey, Congressman BILL PASCRELL, a member of the Committee on Ways and Means.

Mr. PASCRELL. Madam Speaker, I rise to speak on an issue on which our Nation is united and the House is united, an issue upon which people from different political parties, people from all races and religious faiths agree upon, and that is the issue of Darfur. It should be a lesson for the rest of the day, what Ms. LEE and what Mr. SMITH are doing here.

So I stand today as a proud cosponsor of this legislation, the Darfur Partners for Peace for 2007. And I wish to thank both Congresswoman LEE and Congressman SMITH, and all the rest who had anything to do with this, my good friend, Congressman PAYNE, your personal experiences are heart wrenching, and America is listening.

America and much of the world stands united on the fact that more needs to be done to end the ongoing genocide in Darfur and finally address the dire humanitarian situation in the region. I have never seen an issue affect young Americans more than this issue on Darfur. We need to tap that. They are engaged.

A few nations, including China, have stood in the way of applying real pressure to the Sudanese Government to allow a real U.N. peacekeeping force so that the people of Darfur can finally have a sense of security, like every human being desires.

Among those who arguably have not done enough to end this horrendous genocide are the nations of the Arab League. I ask the Arab League to hear our voices, not only in Darfur, but also in the northern part of the continent, also in the Middle East. They must come forward and have the courage and the guts to speak up and do something.

The bill before us today would call upon that league to recognize the conflict in Darfur as genocide, the past resolution supporting and accepting a robust hybrid United Nations-African Union peacekeeping force, and to work with all the parties involved in the region.

There can be no excuse for inaction. By most estimates, over 400,000 people in Darfur have died, and an astounding 2.5 million people have been made into refugees, creating a humanitarian crisis of shocking proportions.

Terror comes in many forms, none of which are convenient. Many worry that the relative inaction of the Arab League to this crisis is subject to fuel the following falsehoods:

The fact is that this conflict is not about Muslims versus non-Muslims because the people of Darfur are predominantly Muslim. This conflict is not about Arabs versus non-Arabs because the Arabs of Darfur have stood against the Sudanese Government's war.

Quite simply, this conflict is about the Sudanese Government's attempt to subjugate and brutalize the innocent people of Darfur. President Bashir is not in denial. He is allowing the genocide.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I appreciate the gentleman from New Jersey yielding time. He has been a leader on this and other issues for so long, and I am honored to be here with him here today.

Madam Speaker, often on this floor, way too often from my perspective, we see a divisive, partisan discussion and debate. But, Madam Speaker, today we speak about an issue in which there is no partisanship and there is no political divide, and that, Madam Speaker, is what is transpiring and has transpired over the last several years in Darfur.

We know that there have been 2 million citizens of Sudan who no longer live in their homes or villages. We know that there has been 450,000 people killed in Sudan. It is something that demands our attention. It is something that we as Congress, we as a country, we as a world, must come together to bring the death and destruction, the inhumanity and the hunger and violence to an end.

Madam Speaker, I had the opportunity several weeks ago to join the honorable majority leader (Mr. HOYER), the distinguished majority leader of this House, along with the ranking Republican of the House Foreign Affairs Committee, ILEANA ROS-LEHTINEN, to visit Darfur. And there, of course, we had the opportunity to visit with government officials, as we in Congress often do. But we also had the opportunity to see for ourselves the conditions that human beings are living in today. And while I hope our meetings with government officials were useful, I know the view I saw, the scenes that were brought to my attention, the people of Darfur I met transcend any meeting I could have had with a government official to discuss what is going on. But it was an opportunity for me to see my life change as a human being, and to see that we all have a cause to see that life prevails and justice endures.

Upon my return, Madam Speaker, last Tuesday I took the opportunity to visit the Holocaust Museum. That week was the Week of Remembrance of the Holocaust. And while there, I saw the quote from Isaiah, Isaiah 43:10, ''You are my witness.'' Madam Speaker, that speaks to me and should speak to all of us. We are the witnesses of a holocaust today.

Many Members of Congress, much more so than me and for much longer periods of time, have paid attention to this issue and have been trying to rise to the occasion and bring awareness to the world, and I commend those colleagues who have been outspoken on this issue for a long, long time, and today I join them.

Recently, I returned back to the Holocaust Museum where President Bush spoke. He spoke certainly about the remembrance of the death and destruction of the Jewish community, the people of Jewish faith who have suffered, but he also brought home the importance of addressing genocide and death today.

I commend the President for his demands that the Sudanese Government allow the African Union and the United Nations peacekeeping force, that they be allowed to reach out and be increased in their force, that they reach out to rebel leaders, that the Sudanese Government end its support for violent janjaweed militia and they permit humanitarian aid workers to do their work. President Bush outlined some steps that we as a country are willing to take and requests that we will make to the United Nations.

Congress designated last week as The Days of Remembrance in order to commemorate the victims of the Holocaust. While at the Holocaust Museum, I learned much about the reach of the Holocaust and saw the images of death and dehumanization.

As I reflected upon the Jews' past and considered the future of African tribes in Darfur, I have a question to ask: Are we going to wait until the proportions of death are similar to the Holocaust before we take action?

The part of the exhibit that moved me the most, Madam Speaker, was the list of 10,000 individuals who took action during the Holocaust. They have been identified by the Israelis as ''the Righteous Among the Nations,'' those who risked their lives to save innocent Jews during Nazi rule.

When the conflict in Darfur has ended, everyone will feel sorrow for the unnecessary loss of life. But will our Nation be among those, will we, as individuals, be among those who feel shame for inaction, or will we have the opportunity to have pride for standing up for justice in Darfur?

Mr. ACKERMAN. Madam Speaker, I yield 2 minutes to the gentleman from Illinois, the Honorable BOBBY RUSH, chairman of the Energy and Commerce Subcommittee on Commerce Trade and Consumer Protection.

Mr. RUSH. I want to thank the gentleman for yielding, and I want to commend you and all the others, my colleague from California, my other colleagues and friends who have worked so tirelessly on this particular issue, and on other issues.

Congresswoman LEE, you are an inspiration to all of us because of the stance that you take on these and other humanitarian issues.

Madam Speaker, I rise today to show my strongest support for the Darfur Partners for Peace Act. We must continue to put pressure on the international community to intervene on behalf of the hundreds of thousands of men, women and children who are being brutally slaughtered even as we speak in the killing fields called Darfur. With over 2 million people displaced, and more than 400,000 people murdered, we cannot allow the world to become numb to the tragedy that is taking place in the Sudan.

Madam Speaker, after Rwanda we said ''Never again. Never again. Never again.'' Well, Madam Speaker, never is now. This is a genocide, and now is the time to act. Now is the time to speak out, and now is the time to stand up against this viciousness and cruelty.

Madam Speaker, we can do no less than to use all of the resources, every resource at our command, every fiber in our body, every moral indignation that we can find in our humanity. We can do no less than to stand up now and to speak out against the killing of women, men and children in Darfur. Our future as a nation will be predicated on the issues and on how we react and stop this genocide.

Madam Speaker, a year from now, 2 years from now, 10 years from now, 20 years from now an apology should not be necessary and an apology should not be appropriate for this kind of tragedy. Never is now. Speak out now.

□ 1115

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, to the Tenth District of Ohio, the Honorable DENNIS J. KUCINICH, chairman of the Oversight and Government Reform Subcommittee on Domestic Policy, I yield 1 minute.

Mr. KUCINICH. I thank the gentleman.

Madam Speaker, it has been long recognized that the Government of Sudan has tremendous responsibility to protect human rights and to maintain law and order. However, I would submit that the policies of the United States, since the Government of Sudan has said to be cooperating in the dubious war on terrorism, the Government of the United States has not been aggressive enough in causing Sudan to assert its responsibility for matters affecting Darfur in the first place.

Furthermore, there has to be a commitment obtained by that government to, first of all, investigate any of the war crimes and to see them taken to the ICC.

I think that it is imperative that this Congress not just pass this resolution but makes this the beginning of an ongoing effort to address the issues in Darfur.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, it is now my distinct honor to yield to the gentleman from Maryland, the distinguished majority leader of the House of Representatives, recently returned from leading the delegation in this House personally to see the suffering going on, Mr. STENY HOYER.

Mr. HOYER. I thank my friend Mr. ACKERMAN for yielding, and I thank him for his leadership and commitment for decades to issues of human rights, humanitarian concerns, and peace.

I thank my friend BARBARA LEE who has been such an extraordinary leader. She worked for a gentleman that is a great hero of mine, Ron Dellums, who, when he was on this floor raised his voice for peace, raised his voice on behalf of the dispossessed, raised his voice on behalf of those who were under attack. BARBARA LEE has continued that very strong voice in representing that district. She is one of the experts in this House on issues relating to Africa, issues relating to AIDS, and on efforts to attain peace and securing this world for the citizens of this world.

I am also, Madam Speaker, very pleased to join my friend CHRIS SMITH. I had the privilege of cochairing the Helsinki Commission with Mr. SMITH for a number of years and serving with him for 15 years on the Helsinki Commission before I became the minority whip and took leave from the commission. I want to thank him. Not only in a collegial sense does he participate in these matters, but probably as much as any Member in this House of the 435 and the literally, probably, 2,000 that he and I have served with over the years has personally, individually, gone to some of the most troubled spots in the world. No publicity, no large delegation, no Air Force plane; I am going to speak briefly about the fact that we were able, but on his own.

He and FRANK WOLF, two of our Members who have gone to people in trouble and at risk and taken their hand and heard their story and brought it back and exposed it to the light of day. I thank Mr. SMITH for his leadership over the more than two decades, almost a quarter of a century that he and I have served together in this House.

This is a serious issue.

I want to congratulate JERRY MORAN. JERRY MORAN had not been on many codels or traveled. BARBARA LEE came over to me as he was speaking and said he got the message.

That is why we travel. Sometimes the public thinks that traveling is just a junket. Going to Darfur is no junket. Living in Darfur is much worse.

When I determined that I was going to take a delegation overseas as my first trip as majority leader of this House, I thought that I wanted to go to someplace where it was important that we tell the world that we thought they ought to be paying attention to. The world has been paying attention to it, so many people have gone to Darfur. But we went to Darfur, 11 of us went to Darfur, myself, BARBARA LEE from California, JERRY MORAN from Kansas, ILEANA ROS-LEHTINEN as the ranking Republican on the Foreign Affairs Committee, GREG MEEKS from New York, BRAD MILLER from North Carolina, G.K. BUTTERFIELD from North Carolina, BOB GOODLATTE from Virginia, RAY LAHOOD from Illinois, JOHN BARROW from Georgia, and JIM COSTA from California. A delegation of Democrats and Republicans who, when the plane took off from Andrews Air Force Base, flew not as Republicans or Democrats, but flew as Americans, flew as Americans who were concerned about humanitarian distress.

Madam Speaker, I want to thank the gentlewoman from California, Congresswoman LEE, for her hard work in bringing this important bipartisan resolution to the floor this morning and for her dedicated leadership in focusing attention on the continuing genocide in the Darfur region of Sudan.

JERRY MORAN is correct; all of us know that we talk about never forgetting, but never forgetting is not enough. Remembering is the first step, but acting is the absolutely essential step.

Since 2003, more than 400,000 people have been killed in Darfur, and an estimated 2½ million people have been displaced, mothers, sisters, brothers, old and feebled, sick.

Our delegation, as I know you have, Mr. SMITH, Mr. ACKERMAN, I know you as well, have had the opportunity to visit in the camps, in the medical facilities, talked to the mothers, talked to the children. I talked to a grandmother who had been forced away from her home by somebody. Was it the government? Was it a rebel group? Was it simply a band of thieves and criminals? Whatever it was, she was homeless. Her family was dispossessed, and she had nowhere to go except a displaced person's camp. That calls out to us to us in this House, it calls out to everybody in this globe to respond in a positive way to relieve that suffering.

The United Nations has identified the situation in Darfur as the worst current humanitarian and human rights crisis in the world. The United States calls it genocide.

Simply stated, the international community must not turn a blind eye to the suffering of innocents as has happened far too often throughout human history.

The international community's plaintive cry ''never again'' requires real collective action in Darfur now. There are people acting now, but they do not have enough help. This time we must prove that we mean it: Not now, never again.

House Concurrent Resolution 7 has 115 cosponsors on both sides of the aisle, and it is my hope that it will get 433, we have two Members who are no longer with us, 433 votes. This is an important step in this cause.

Congresswoman LEE's resolution calls on the League of Arab States to acknowledge the genocide in Darfur, to support and accept the United Nations peacekeepers as the best option to enforce a cease-fire, protect civilians, and ensure access for humanitarian workers, to work with the international community to bring about a lasting peace in Darfur.

In fact, Madam Speaker, during the recent bipartisan congressional delegation that I have spoken of to Sudan, a codel which included, as I said, Congresswoman LEE and the others, we also went to Egypt. Egypt is one, of course, of the most important members of the arab League, the largest Arab state, an important member in the league. I have been told that President Mubarak, at our request when we met with him, followed up on his pledge to our delegation to reach out to Sudanese President Bashir who has, unfortunately and tragically, been part of the problem, not part of the solution, deemed by the international community as someone who has facilitated and, yes, even participated in the humanitarian crisis that exists. We urged his government and President Mubarak says that he has urged Bashir to accept and facilitate humanitarian workers' work, to make their visas acceptable, make their travel around the country easier. I also understand that Foreign Minister Gheit, with whom we met, is currently in Sudan, and it is my hope that he is delivering the same message that we spoke of.

Now is not the time to offer a full report of our codel; however, I do want to briefly highlight the five specific steps that I believe must be taken in Darfur without delay.

First, it is imperative that we continue to ensure humanitarian access in Darfur.

Second, the international community must insist that the Bashir government accept more peacekeeping troops.

Third, we must initiate a process by which a political solution between the warring factions can be reached.

Fourth, we must make a stronger effort to engage Sudan's neighbors in the peace process, which was what this resolution is designed to do.

And, fifth, we must work with the Sudanese Government to help forge a comprehensive plan for stability and reconstruction across the whole of the country. North Sudan was mentioned by my friend BILL PASCRELL, as well as South Sudan which we visited.

Madam Speaker, I again want to thank Congresswoman LEE, Congressman ACKERMAN, Congressman SMITH, and all of our colleagues for this effort today. They continue to focus on Darfur. I urge all of my colleagues to unanimously support this very important resolution, a call to action, a call to humanitarian relief.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 2 minutes.

First, let me say to the distinguished majority leader, I want to thank him for his leadership on a broad range of human rights issues. And I think it speaks volumes that the first trip as majority leader that you put together was to Darfur to try to promote peace and reconciliation. So I very much want to commend you for that.

I also thank you for your compliments to FRANK WOLF and I; but I would add to that, when you talk about going to remote places, that also applies to you. I think Members should know that there were a number of trips that we undertook during the dark days of the Soviet Union when human rights were being crushed daily. I will never forget a trip we took to Lithuania, led by then Chairman HOYER when Lansbergis, the President, was under siege, was literally surrounded by Soviet Black Berets. And we went there, to be a presence, to be a deterrent. Just prior to our arrival, more than a dozen people were murdered at TV tower, the gentleman will recall, but he nevertheless led our delegation to Vilnius and I do believe it had an impact in trying to mitigate further bloodshed. That's just one example. So I want to commend the distinguished majority leader for his leadership on Darfur.

Madam Speaker, I yield 2 minutes to Ms. SHEILA JACKSON-LEE.

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

Ms. JACKSON-LEE of Texas. I can rise enthusiastically to thank both Mr. ACKERMAN for managing this bill and his leadership and certainly sensitivity to these issues. I thank my good friend and colleague, Ranking Member SMITH, who has much roadway in front of him and behind him on these issues dealing with human rights. I am very proud to be a strong member of the Human Rights Caucus that has worked consistently on addressing these issues. And, I thank my friend and colleague, Congresswoman BARBARA LEE. We have worked on many, many issues together.

I am reminded of our first Presidential congressional trip to Africa, three women who went to address then, some almost 10 years ago, the devastation of HIV/AIDS, and we have pursued these issues of empowerment.

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There is no doubt, there is no quarreling with the fact that 450,000 have died. The janjaweed is alive and well. It is important that Members of Congress have been to the Darfur region and the south.

I am reminded of the time that I sat on the ground in Chad with refugees fleeing from the Sudan, and looked in the faces of women who had been brutalized and raped only because they left their village to get firewood to survive. That is what is going on today in 2007.

I also remember the time I can say on the floor of the House that I was banished, and not as some Members have been over the years, given visas to enter into Darfur and had to be utilizing extraordinary means. This is inhuman. This is not civil. This is not a nation that is part of the world family.

This resolution is very straightforward: Get your friends to talk to you about ensuring the United Nations can do its work. I ask that this resolution be supported so the raped women can have relief and response.

Madam Speaker, the current crisis in the Darfur region of Sudan is of paramount importance. Although Americans may differ greatly on many issues, there is a widespread and broad-based consensus among Democrats and Republicans alike that the ongoing genocide in Darfur is intolerable and must be ended. Today we are presented with a great opportunity to work in a bipartisan fashion to achieve a humanitarian result in responding to the overwhelming suffering in Darfur.

Not since the Rwandan genocide of 1994 has the world seen such a systematic campaign of displacement, starvation, rape, mass murder, and terror as we are witnessing in Darfur for the last three years. At least 400,000 people have been killed; more than 2 million innocent civilians have been forced to flee their homes and now live in displaced-persons camps in Sudan or in refugee camps in neighboring Chad; and more than 3.5 million men, women, and children are completely reliant on international aid for survival.

Unless the world stirs from its slumber and takes concerted and decisive action to relieve this suffering, the ongoing genocide in Darfur will stand as one of the blackest marks on humankind for centuries to come. The people of Darfur cannot wait. The time has come for decisive leadership from the United States.

It has been more than 2 years since my colleagues and I in the Congressional Black Caucus Darfur Task Force met with Secretary Colin Powell. We pressed successfully for the Administration to declare that the campaign of ethnic cleansing and atrocities against civilians in Sudan is genocide. The atrocities are committed primarily by the government of Sudan and its allied Janjaweed militias.

It has been more than a year since I flew to Chad, walked across the border to Sudan, and met with African Union troops who pleaded for more peacekeeping authority and the resources to protect the refugees from violence, rather than merely monitor it. After returning

from that Congressional delegation, I worked with other Members of Congress to secure increased funding to aid the thousands of Sudanese displaced to refugee camps in Chad and to provide additional funding to assist Chad in responding to the humanitarian crisis.

It has been almost two years since the UN Security Council adopted Resolution 1556 demanding that the government of Sudan disarm the Janjaweed. This demand was later followed by Resolution 1706, which authorizes a 20,000 strong U.N. peacekeeping force.

It has been 9 months since the Darfur Peace Agreement was brokered in May 2006 between the government of Sudan and one faction of Darfur rebels.

However, signs of progress have recently emerged, even if it has come too late for the dead. The Sudanese government agreed to let a 3,500-person-strong United Nations peacekeeping force enter the country and join the African Union troops already there. It made the decision under pressure and only after months of unwarranted backtracking and delay.

But the Sudanese government has resisted the U.N.'s efforts to send 20,000 peacekeepers to Darfur. Let me be clear: the difference between a small, targeted force and a substantial deployment is no mere sticking point. It is absolutely essential.

It is essential to stopping the Arab militias from continuing to perpetuate a genocide. It is essential to clearing the path for crucial food and water and health supplies to reach refugee camps. And it is essential because injustice is only really addressed when it is obliterated, not when it is slowed to an excruciating trickle of displacement, harassment, and disrupted lives. We must have that larger U.N. force in Sudan. The international community has spoken with one voice but more pressure needs to be applied on Khartoum.

This resolution urges those who may have the most influence, the Arab League and its member states, to declare the systematic torture, rape, and displacement of Darfurians a genocide; to support and accept U.N. peacekeepers to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and to work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about peace and stability to Darfur, the refugee camps, and along the Chadian border.

H. Con. Res. 7 urges the League of Arab States to: (1) declare the systematic torture, rape, and displacement of Darfurians a genocide; (2) pass a resolution to support and accept U.N. peacekeepers to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and (3) work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about peace and stability to Darfur, the refugee camps, and along the Chadian border.

Nevertheless the violence continues; indeed, the violence is escalating. This violence is making it even more dangerous, if not impossible, for most of the millions of displaced persons to return to their homes and for humanitarian relief agencies to bring food and medical aid. According to Jan Egeland, the U.N.'s top humanitarian official, the situation in Darfur is "going from real bad to catastrophic."

We have come full circle. Violence is increasing, peace treaties and resolutions are not being implemented, and action must be taken.

We must increase pressure on Sudan President Omar Hassan al-Bashir of Sudan to allow in U.N. peacekeepers, or alternatively, a peacekeeping force of similar size comprised of Arab and Muslim troops under the auspices of the Arab League. As with any government, dialogue is the best way to attempt a solution to the issue at hand. However, previous engagements have too often yielded poor results—the government of Sudan has been all too willing to cooperate on the surface level by signing agreements and the like and all too willing to fail to implement them.

In 1997, the Clinton Administration imposed trade and economic sanctions on Sudan, an approach which I feel is likely to yield the best results. However, sanctions imposed by a limited number of countries do not pressure the government of Sudan adequately enough. It must be noted that no just and lasting peace in Sudan can be achieved without the responsible intervention of China.

For too long, China, which is Sudan's biggest oil consumer, has also served as Khartoum's enabler and protector by preventing the U.N. Security Council from imposing more serious sanctions on Sudan in response to the genocide and crimes against humanity committed in Darfur. As former Deputy Secretary of State Robert Zoellick stated in a major policy speech on China a year ago: "China should take more than oil from Sudan—it should take some responsibility for resolving Sudan's human crisis." It is my hope that China may be persuaded to provide the type of constructive leadership in Sudan befitting a great power.

These are the kind of constructive efforts that I feel will best represent the interests of the people of Darfur to bring an end to this horrible crisis. I am in favor of deploying U.N. peacekeeping troops to the region, and the U.N. needs to move swiftly. In addition, any options regarding United States military intervention should be carefully considered and not ruled out.

As we consider these options, Madam Speaker, I would like to remind you that it is not too early to begin the planning efforts needed to transform the Darfur region from a killing field to an economically, politically, and socially viable community. This work will, of course, require the active and purposeful engagement of the United States and other key stakeholders, such as China, and the Arab League.

Finally, we must be bold and imaginative in fashioning a solution commensurate with the scale of the problem. The way to do that is to develop a Marshall Plan for the Sudan. But the United Nations, and the international community, must draw a line in the sand and act to stop the genocide in Darfur. The words of President Lincoln speak to us from the ages:

> [W]e cannot escape history. We, of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.

It speaks volumes that H. Con. Res. 7 has 111 co-sponsors, and I urge all of my colleagues to support this resolution.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent to yield 2 minutes to the gentleman from New York (Mr. ACKERMAN), and that he may control that time.

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

There was no objection.

Mr. ACKERMAN. I thank the gentleman for accommodating our Members on the majority side.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. CLARKE), the newest member of our delegation.

Ms. CLARKE. Madam Speaker, I rise today in support of H. Con. Res. 7, a resolution offered by the gentlelady from California calling on the League of Arab States to recognize the genocide that is currently taking place in Darfur, Sudan. The facts regarding the situation on the ground are indisputable. The Government of Sudan, through its proxy militia, the janjaweed, have been launching a scorched earth campaign in Darfur. More than 400,000 people have been murdered, and more than 2 million have been forcefully displaced.

This resolution calls upon the League of Arab States to acknowledge the genocide in Darfur and to pressure the Sudanese Government to take steps to bring the killings to an end.

The purpose of the League of Arab States is to coordinate the cultural and securities policies of its member states, of which Sudan is a member. If genocide or any atrocity is taking place in one member state, the other member states have a duty to recognize and act to end it.

Sudan has not moved to end the slaughter of its innocent civilians in Darfur. The international community, in particular the League of Arab States, must be united in its call for Sudan to end the genocide, stop the pillaging, stop the rape of women and girls, disarm the janjaweed and prosecute those responsible.

Mr. SHAYS. Madam Speaker, I strongly support this resolution calling on the Arab League to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to end it. The world collectively agreed to "never again" allow genocide after the 1994 mass murders in Rwanda. Tragically, genocide is again taking place.

The security, human rights and humanitarian situation in Darfur has continued to deteriorate since the Darfur Peace Agreement was signed in May 2006. Until a more effective U.N. peacekeeping force can be deployed to Sudan, we must continue to expand our support for the existing African Union forces on the ground in Darfur.

It is also critical the international community begin implementing and expanding the reach of some of the measures that have already been agreed in the Security Council including targeted sanctions, asset freezes and travel bans for Sudanese government leaders.

Unfortunately the concerns of the United States and many of our allies have fallen on deaf ears within the Sudanese government. It is especially difficult to convince a regime as callous and apathetic as Sudan of our determination to see the genocide end when other

nations are not supporting our efforts. I am very concerned China, Russia and Arab League states have thwarted attempts to enact stronger sanctions and more quickly deploy international peacekeepers. There is a genocide occurring in Sudan, and all Nations are duty-bound to end it.

In August of last year the Arab League supported Sudan's refusal of a U.N. peacekeeping force in Darfur, and then passed a resolution calling for more time for the Sudanese government to improve conditions there. Madam Speaker, how much time should we give them? How many lives will be lost in the meantime?

Stronger action to end the genocide must be swift and resolving this crisis must be one of our world's highest priorities. Having the assistance, or at least ending the willful neglect of the genocide by Sudan's Arab League neighbors, would be extremely helpful.

I thank Congresswoman BARBARA LEE, as well as other members who have championed this issue, including FRANK WOLF and TOM LANTOS, for bringing this important resolution to the floor, and urge its passage.

Ms. WATERS. Madam Speaker, I rise to support H. Con Res. 7, which strongly urges the League of Arab States to step up their diplomatic efforts to stop the genocide in Darfur. This resolution urges the League of Arab States and each individual Member State to:

(1) Declare the systematic torture, rape, and displacement of the people of Darfur a genocide;

(2) Pass a resolution at their next meeting to support and accept a United Nations-African Union peacekeeping force to enforce the ceasefire, protect civilians, and ensure access to humanitarian assistance in Darfur; and

(3) Work with the United Nations, the African Union and the United States Presidential Special Envoy for Sudan, Andrew Natsios, to bring about real and lasting peace and stability in Darfur, the refugee camps, and along the Chadian border.

On August 20 of last year, the League of Arab States met in Egypt and supported Sudan's refusal to allow a United Nations peacekeeping force in Darfur. The following month, the League of Arab States called for the United Nations Security Council to give the government of Sudan more time to improve security conditions in Darfur. By that time, it had already been estimated that over 450,000 people had died as a result of genocide in Darfur. Since then the death toll has continued to mount.

Last year, I visited the Darfur region with my good friend, Speaker NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. It is unconscionable that this has been allowed to continue for yet another year.

There can be no doubt that what is taking place in Darfur is genocide, and the government of Sudan is responsible. The League of Arab States should tell the government of Sudan that their time is up. I urge my colleagues to vote in favor of this resolution, and I urge the League of Arab States to take a firm stand against the crime of genocide in Darfur.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 7, 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. ACKERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2007

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1678) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1678

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 ''Torture Victims Relief Reauthorization Act of 2007''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2008 and 2009, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2008 and 2009.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President to carry out section 130 of such Act $12,000,000 for each of the fiscal years 2008 and 2009.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $12,000,000 for each of the fiscal years 2008 and 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this legislation, and yield myself such time as I may consume.

Let me first thank the distinguished ranking member of the Africa and Global Health Subcommittee, my very good friend, CHRIS SMITH, for his longstanding leadership in the fight against torture. I am very proud to be a cosponsor of this very important piece of legislation before us today.

The Torture Victims Relief Act of 1998 is a landmark piece of legislation that enshrines the fundamental commitment of this Nation to assist all survivors of torture, wherever and whoever they might be.

The programs supported by the TVRA combat the effects of the most despicable of all human rights violations: The increasing use of torture around the world.

Although exact figures are difficult to ascertain, according to Amnesty International, a well-respected defender of human rights, more than 150 countries worldwide still engage in torture.

An estimated 400,000 to 500,000 foreign torture victims reside in the United States, and over 100 million may exist worldwide. More than 250 treatment centers operate internationally with the sole purpose of providing medical, psychological and social services to torture survivors. These crucial facilities provide a distinctive type of treatment to those victims.

In the U.S., the Center for Victims of Torture, located in Minnesota, was the first of its kind in the United States and the third torture victims treatment center in the world.

The personal ramifications of torture are beyond the comprehension of those who have not gone through it. Torture leaves no victim unscarred. It shapes the remainder of their lives. While physical wounds may ultimately heal, torture survivors need ongoing psychological services and therapy to cope with post-traumatic stress that afflicts them daily. Recovering from torture is a long-term process. It can take years before torture survivors can once again feel emotionally stable and comfortable in society.

The bill before the House today funds our very important fight against torture, both nationally and internationally. For international programs, this legislation authorizes $12 million per

year for centers and programs administered through USAID's Victims of Torture Fund. It also authorizes an additional $12 million a year for centers and programs administered through the U.N. Voluntary Fund for the Victims of Torture.

Domestically, our legislation authorizes $25 million annually for the Department of Health and Human Services so that HHS can assist domestic treatment centers fully and sufficiently.

The sad truth is that torture is not waning; if anything, it is on the rise. As a moral force and a Nation that exhibits empathy to those in most need, it is our firm responsibility to help the victims of torture with these comprehensive programs. The funds authorized are urgently needed to achieve this goal. I strongly support this legislation, and encourage every Member of the House to do so as well.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to thank Chairman LANTOS for his very strong support for the Torture Victims Relief Reauthorization Act of 2007. His longstanding concern about torture victims is legendary, and I want to thank him for that. And I want to thank Mr. ACKERMAN for his leadership as well, and for presenting the bill before the House today.

Madam Speaker, an estimated 400,000 foreign torture survivors reside in the United States today. Worldwide it is virtually impossible to count the numbers, although we know it is very high. As witnesses have repeatedly testified before Congress, the paralyzing scars from the physical and psychological wounds of torture can and do remain for years. Torture impacts not only on individual victims, especially as it relates to post-traumatic stress disorder, but their families and society as well.

I would note parenthetically, Madam Speaker, that we don't have to look very far to know there are torture victims in our own Congress. SAM JOHNSON, a very brave and dedicated soldier of the Vietnam war, suffered terrible hardship and torture when he was incarcerated in Hanoi. Because of his faith and courage, SAM overcame unspeakable torture and abuse and is today an inspiration to us all. The same goes for Senator JOHN MCCAIN, who also suffered horrible torture, survived and overcame. But they are really the exception. They are not the norm. So many people who do suffer never recover—unless they get significant help. They suffer irreparable psychological damage and live a life of real misery, pain and flashback, unless they get help.

My own involvement in torture victims relief began in 1981 when I read a book titled ''Tortured for Christ,'' written by Pastor Richard Wurmbrand in Nicolae Ceausescu's Romania. That book detailed despicable tortures that were routinely imposed upon Pastor Wurmbrand and other religious prisoners in Romania by the securatate. Pastor Wurmbrand appealed to all to help the persecuted.

I also read Solzhenitsyn's book, ''The Gulag Archipelago,'' and another book called ''Against All Hope'' by Armando Valladares in which he chronicled what Castro does routinely to people in his gulags—it is sickening and pathetic.

I would encourage Members and the listening public to pick up one of those books or others like them and read what really happens in dictatorships—and Castro's abuses continue to this day—where torture is used as a weapon against dissidents. Sadly, torture is used with impunity in China and North Korea.

Armando Valladares tells us in his book in one particular chapter how the political prisoners were marched into a huge vat of human excrement, and submerged. Many of the men got permanent disabilities and infection from it. The beatings were unceasing.

Torture is horrible. It is degrading and inhumane. It also constitutes grave violations of U.N. treaties and U.S. law and must be stopped wherever it rears its ugly head.

In the 1990s, FRANK WOLF and I visited the infamous Perm Camp 35 in the Ural Mountains—1,000 miles outside of Moscow—the place where Natan Sharansky spent years of his life, and met with many torture victims while they were still incarcerated and saw the mix of anger and hopelessness in their eyes and in their faces.

In 1998, Madam Speaker, Congress took a historic step towards repairing the broken lives of torture victims with the passage of the Torture Victims Relief Act of 1998. I sponsored that legislation and three reauthorizations that followed. As important as these congressional measures have been, there continues to be an enormous unmet need for us to try to reach out and robustly address, and that is what this legislation at least attempts to do. I strongly urge my colleagues to support this. This helps us to help those who have been hurt.

The domestic provision of H.R. 1678 is designed to ensure that particular attention is given to torture victims in regions with significant immigrant and refugee populations. The measure authorizes $25 million for fiscal years 2008 and 2009 to the Department of Health and Human Services to assist domestic treatment centers. This maintains the current $25 million authorization level for those centers.

Currently, 20 torture treatment centers in 15 States are assisted by the Department of Health and Human Services Office of Refugee Resettlement. These programs include treatment for the physical and psychological effects of torture as well as social and legal services for torture victims. In addition to direct assistance, many of these centers also provide training in the specialized treatment of torture victims to mainstream providers in the health care, education and social service fields.

H.R. 1678 also authorizes $12 million for both fiscal year 2008 and 2009 for foreign treatment centers and programs administered by the USAID Victims of Torture Fund. In fiscal year 2006, the Victims of Torture Fund supported treatment programs in 28 countries throughout the regions of Latin America and the Caribbean, Africa, Asia and the Near East and Europe and Eurasia.

Treatment centers often provide services beyond rehab, to include forensic documentation, written and verbal testimony to courts and legislatures, and advocacy for the rights of brutalized religious, ethnic and minority groups. This is the expertise Congress sought to foster when we first adopted the TVRA back in 1998.

Lastly, the measure increases current authorization levels of $7 million for fiscal year 2007 to the U.N. Voluntary Fund for the Victims of Torture to $12 million for both 2008 and 2009. Through this U.N. mechanism, the voluntary fund supports 175 projects in 64 countries in 2006, including within the United States. The type of humanitarian assistance provided by organizations which receive those grants from the fund consists mainly of psychological, medical, social, legal and economic assistance.

Madam Speaker, this is a bipartisan bill, and I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, to the gentlewoman from the 18th District of Texas, the chairwoman of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection, and also a member of the Foreign Affairs Committee, SHEILA JACKSON-LEE, I yield 3 minutes.

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

□ 1145

Ms. JACKSON-LEE of Texas. Madam Speaker, we almost wish we did not have to come to the floor of the House to address this question of ongoing torture in 2007. Again, I offer my appreciation for this work, your leadership and leadership of this committee, and to Mr. SMITH who has articulated his ongoing struggle with a crisis that will break your heart.

Even today we know that torture goes on in 150 nations around the world. We know that some 4- to 500,000 torture victims have found their way to the United States. Many of us have heard of the lost boys, some of us know the story of Sierra Leone and mutilation that occurred in Rwanda, children who were child soldiers who were victimized. But do we understand the ongoing psychological, traumatic experiences that requires necessary psychological services and therapy to cope with posttraumatic stress?

Now with the Iraq War and Afghan War, we hear of prisoners of war and the unending suggestions of torture that have occurred, and so we know that even in our own House we must respond to the crisis.

I rise to support this legislation, H.R. 1678, because its journey is not yet finished. Let me applaud the author of this legislation, as I am a cosponsor, that authorizes $12 million per year for centers and programs administered through USAID's victims of torture fund, an additional $12 million per year for centers and programs administered by the U.N. voluntary fund for victims of torture, and $25 million for the Department of Health and Human Services.

Let me also salute the Darfur Coalition for Peace. I believe these resources can be utilized for the Darfurian women who have reportedly and repeatedly been raped, a very, very difficult and brutal form of torture. These women have not only been raped, but they have been mutilated. They have been carved and scarred. They have bled, and they have a mass of psychological devastation.

The Darfur Peace Coalition will be attempting to place tents on the soil in Darfur, the only kind of structure that can then have counselors who will help these torture victims, these victims of rape.

This legislation can certainly be a partner in finding and weeding out torture where it is, but more importantly, in dealing with the torture victims who may have some small chance of regaining their lives again.

I rise to support this legislation in sadness, because its work is yet not done, and every day we know that there may be a victim of torture. I am proud of this Congress in moving forward on this legislation, and I ask for its passage.

Mr. SMITH of New Jersey. Madam Speaker, due to an event at the White House on malaria, I ask unanimous consent to yield the remainder of our time to the gentleman from Arkansas (Mr. BOOZMAN) and that he be able to control the balance of our time.

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

There was no objection.

Mr. BOOZMAN. Madam Speaker, we do not have any more speakers. Can I ask the gentleman if he has any more?

Mr. ACKERMAN. I thank the gentleman. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the chairwoman of the Education and Labor Subcommittee on Workforce Protections and a member of the Foreign Affairs Committee.

Ms. WOOLSEY. Madam Speaker, I would like to thank Congressman SMITH for his work to bring this reauthorization and this important issue to the House floor, and I want to thank the chairman of the committee, Chairman LANTOS, for moving the bill so quickly, and our wonderful chairman of the subcommittee for running the floor today in such a good manner.

The United States has long been a haven for those who have been persecuted and those who have been victimized. One of our national symbols, actually the Statue of Liberty, opens her arms to welcome the most needy.

This bill reaffirms our commitment, the United States commitment, to victims of torture. It will provide for essential services for these victims such as treatment of the physical and psychological effects of torture. It will provide for social and legal services. It will provide for research and training of health care providers to deal with the trauma of these victims.

Madam Speaker, in a world that sometimes seems to be overrun with violence, a world that sees so much brutality, this bill actually provides hope for a group of people, those who have so little and need so much.

I thank the authors of this bill for bringing it forward, and I certainly hope that every single Member of this body will vote in favor of it.

Mrs. DAVIS of California. I want to express my strong support for the Torture Victims Relief Reauthorization Act, H.R. 1678. This important legislation funds treatment centers for torture survivors who now live in the U.S.

With help, torture survivors can recover from their trauma, rebuild successful lives, and be contributing members of our society. When these new Americans rebuild their lives, we all have much to gain.

I also want to take this opportunity to recognize the efforts of Survivors of Torture, International (SURVIVORS) in my district of San Diego, California. SURVIVORS is an independent, nonprofit organization dedicated to caring for survivors of politically-motivated torture and their families living in San Diego County.

Approximately 11,000 torture survivors are living in San Diego County today. These survivors are from countries where the systematic use of torture is documented, including nations in Africa, Southeast Asia, the Middle East, and Latin America.

Since its founding in 1997, SURVIVORS has helped more than 650 torture survivors from more than 50 countries to recover from their trauma through a holistic program including medical, dental, psychiatric, psychological, legal and social services. There is also a need to continue to make services even more comprehensive.

SURVIVORS empowers torture survivors to reclaim the strength and vitality that were stolen from them by brutal dictators and governments. The specialized care SURVIVORS provides these vulnerable individuals helps them to become self-sufficient, healthy members of their own families and of our community. SURVIVORS currently serves more than 300 survivors of torture and their families living in San Diego County.

SURVIVORS works with refugees, asylees, asylum seekers, and immigrants who are survivors of torture. By working with this large population in San Diego County, SURVIVORS is strengthening the Nation: many of its clients move to other communities in the United States after receiving the care and services necessary to successfully build a new life here. As SURVIVORS continues to work in the community, it receives an increasing number of referrals and requests for services each year.

The professional backgrounds of SURVIVORS' clients include: business, religious, government, and farm leaders; university students and educators; journalists; physicians and nurses. The significant majority of SURVIVORS clients suffer from post-traumatic stress disorder, major depressive disorder, or both. These are normal yet disabling reactions for ordinary people who have endured the extreme trauma of torture.

Madam Speaker, the TVRRA also authorizes a contribution to the United Nations Voluntary Fund for Victims of Torture (UNVFVT). Funding from the U.N. helps many centers feel more secure in the dangerous work of aiding those that a regime has identified as its enemies. The UNVFVT supports nearly 200 treatment programs all over the world, including nearly all U.S. centers.

H.R. 1678 is a vital piece of legislation which funds essential services for survivors of torture throughout the 53rd District of California and San Diego County, and enhances the standing and reputation by exporting America's values in the form of support for foreign treatment centers. I strongly urge my colleagues to join me in supporting this bill that is so important to so many.

Mr. CAPUANO. Madam Speaker, I rise in support of H.R. 1678, Torture Victims Relief Reauthorization Act of 2007, which was passed under suspension of the rules today. I rise also to pay tribute to those who provide these tragically essential services.

I am privileged to represent the Boston Center for Refugee Health and Human Rights. The BCRHHR, based at Boston Medical Center, cares for survivors of torture, slavery, oppression, and war. Its dedicated physicians, therapists, and social workers provide individual counseling and group support, as well as legal, social, and vocational services to individuals and families who, in many cases, have nowhere else to turn. Patients have suffered terrible injuries, both physical and psychic, and most are grieving the loss of close friends and relatives. Above all, the Center recognizes the essential connection between health and human rights. Its clinical work succeeds, I believe, because it helps people regain their sense of dignity and worth as human beings.

Doctors work closely with pro bono lawyers to support political asylum applications and to reunite families of refugees and asylum seekers. Shame and anxiety may keep torture survivors from seeking asylum because, in order to gain asylum, applicants must recount their sufferings in a judicial setting. Thus, in order to secure their patients' freedom to remain in the United States, doctors must help them as they relive their traumas. They give them courage to persevere and they sustain the hope that, once asylum is granted, surviving spouses and children can enter the United States.

One wishes our world did not need services for survivors of torture, but we do need them. We are privileged, as Members of Congress, for this opportunity to recognize and support this work.

Mr. BOOZMAN. Madam Speaker, I continue to reserve my time.

Mr. ACKERMAN. If the gentleman will yield back the balance of his time, we are prepared to do so as well.

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

Mr. ACKERMAN. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 1678.

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

The yeas and nays were ordered.

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

EXPRESSING DEEP CONCERN OVER THE USE OF CIVILIANS AS HUMAN SHIELDS

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) expressing deep concern over the use of civilians as ''human shields'' in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 125

Whereas the term ''human shields'' refers to the use of civilians, prisoners of war, or other noncombatants whose mere presence is designed to protect combatants and objects from attack;

Whereas the use of human shields violates international humanitarian law (also referred to as the Law of War or Law of Armed Conflict);

Whereas throughout the summer of 2006 conflict with the State of Israel, Hezbollah forces utilized human shields to protect themselves from counterattacks by Israeli forces;

Whereas the majority of civilian casualties of that conflict might have been avoided and civilian lives saved had Hezbollah not employed this tactic;

Whereas the news media made constant mention of civilian casualties but rarely pointed to the culpability, under international law, of Hezbollah for their endangerment of such civilians;

Whereas United States and international leaders attempted to call the use of human shields to the world's attention;

Whereas on August 11, 2006, Secretary of State Condoleezza Rice stated, ''Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose, and exploiting them as human shields . . .'';

Whereas on August 14, 2006, President George W. Bush stated, ''Hezbollah terrorists targeted Israeli civilians with daily rocket attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response . . .'';

Whereas Jan Egeland, United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, accused Hezbollah of ''cowardly blending . . . among women and children'';

Whereas for states parties to Additional Protocol I, such as Lebanon, Article 50(1) to the Geneva Convention defines civilian as, ''[a]ny person who does not belong to one of the categories of persons referred to in Article 4(A)(1), (2), (3), and (6) of the Third Convention and in Article 43 of this Protocol. In the case of doubt whether a person is a civilian, that person shall be considered a civilian.'';

Whereas for states parties to Additional Protocol I, such as Lebanon, Article 51(7) to the Geneva Convention states, ''[T]he presence or movement of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.''; and

Whereas Convention IV, Article 28, Relative to the Protection of Civilian Persons in Time of War of the Geneva Convention states, ''The presence of a protected person may not be used to render certain points or areas immune from military operations.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the use of innocent civilians as human shields, including Hezbollah's use of this brutal and illegal tactic during the summer of 2006 conflict with Israel;

(2) calls on responsible nations to condemn the use of civilians as human shields as a violation of international humanitarian law; and

(3) calls on responsible nations and experts in the area of international humanitarian law to focus particular attention on the use of human shields in violation of international humanitarian law and make further recommendations on the prevention of such violation in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Last year, we witnessed a tragic conflict in Lebanon, instigated by Hezbollah's unprovoked cross-border raid into Israel. This Hezbollah action resulted in the killing of eight brave Israeli soldiers and the kidnapping of two others, Ehud Goldwasser and Eldad Regev.

The suffering of the Lebanese people was immense as thousands fled their homes in the subsequent fighting. Many homes were damaged or destroyed, and lives were lost.

The key reason that civilian areas were destroyed was the cynical strategy of Hezbollah guerrillas to stage their attacks from the middle of towns and residential areas.

The use of civilians as human shields is reprehensible and is in direct violation of all the laws of warfare. Indeed, the Rome Statute of the International Criminal Court provides that such conduct is a serious violation of the laws of war and should be prosecuted.

This resolution properly condemns the use of human shields and, in particular, the conduct of Hezbollah in this bloody conflict. Let us make no mistake. The loss of civilian life in Lebanon was due solely to Hezbollah's cruel and uncivilized use of civilian areas as military bases. Meanwhile, Hezbollah used rocket fire to murder Israeli civilians indiscriminately and to destroy Israeli civilian areas that were of no military value whatsoever.

This resolution calls on all responsible nations to condemn such heinous acts and to work to eliminate them. No nation that calls itself a member of the international community can engage in such barbaric practices. In conflicts all over the globe, human shields have been used for various purposes. None of them are acceptable.

Let us urge the President and our friends and allies to join us and do their utmost to stop the use of human shields once and for all.

Madam Speaker, I urge all of our colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

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

During last summer's war between Israel and Lebanon, which was initiated by Hezbollah jihadist militants breaching Israel's border and killing and kidnapping Israeli soldiers, Hezbollah extremists used Lebanese civilians as human shields to protect themselves from counterattacks by Israeli forces.

Hezbollah jihadists embedded their forces among innocent civilians in violation of international law.

According to Secretary of State Condoleezza Rice, ''Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose, and exploiting them as human shields.''

To express deep concern over the use of civilians by Hezbollah and to condemn these actions, my distinguished colleagues, Congressman RON KLEIN and Congresswoman ILEANA ROS-LEHTINEN, introduced this bill.

Among other things in the bill, it strongly condemns the use of innocent civilians as human shields, including Hezbollah's use of this savage and illegal tactic during last summer's war between Israel and Lebanon; calls on the international community to recognize and condemn these violations of international law; and calls on responsible nations and experts in the area of international humanitarian law to pay special attention on the use of human shields in violation of international humanitarian law and make further recommendations on the prevention of such violation in the future.

I urge my colleagues to support this very important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH), the chairman of the Oversight and Government Reform Subcommittee on Domestic Policy.

Mr. KUCINICH. Madam Speaker, I want to thank my good friend Mr. ACKERMAN for the opportunity to address the Congress on this issue.

As some of my colleagues are aware, on July 19, 2006, I introduced legislation to this Congress calling on the President to appeal to all sides in the crisis in the Middle East for an immediate cessation of violence and to commit the United States diplomats to multiparty negotiations with no preconditions. This resolution specifically related to the events that brought violence to Lebanon and to Israel as well.

I want to say from the start that I took that position because I believe that Israel has a right to survive and Israel is entitled to its security and so, too, the people of Lebanon have a right to survive and were entitled to their security.

I think that it is regrettable that our government did not become immediately involved in diplomatic relations so that we could have been able to forestall the disaster that was visited upon south Lebanon where tens of thousands of structures were leveled.

I am not speaking about this theoretically, Madam Speaker, because my wife and I went to south Lebanon and surveyed the damage, and it was utter destruction.

I would refer my colleagues to Amnesty International's report regarding the destruction in south Lebanon.

I also would like to put into the RECORD a copy of H. Con. Res. 450 which called on the President to appeal to all sides in the crisis.

H. CON. RES. 450

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) calls upon the President to—

(A) appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence;

(B) commit United States diplomats to multi-party negotiations with no preconditions; and

(C) send a high–level diplomatic mission to the region to facilitate such multi-party negotiations;

(2) urges such multi-party negotiations to begin as soon as possible, including delegations from the governments of Israel, the Palestinian Authority, Lebanon, Iran, Syria, Jordan, and Egypt; and

(3) supports an international peacekeeping mission to southern Lebanon to prevent cross-border skirmishes during such multi-party negotiations.

[From the New York Times, Jan. 28, 2007]

ISRAEL MAY HAVE VIOLATED ARMS PACT, U.S. SAYS

(By David S. Cloud and Greg Myre)

WASHINGTON, Jan. 27.—The Bush administration will inform Congress on Monday that Israel may have violated agreements with the United States when it fired American-supplied cluster munitions into southern Lebanon during its fight with Hezbollah last summer, the State Department said Saturday.

The finding, though preliminary, has prompted a contentious debate within the administration over whether the United States should penalize Israel for its use of cluster munitions against towns and villages where Hezbollah had placed its rocket launchers.

Cluster munitions are anti-personnel weapons that scatter tiny but deadly bomblets over a wide area. The grenadelike munitions, tens of thousands of which have been found in southern Lebanon, have caused 30 deaths and 180 injuries among civilians since the end of the war, according to the United Nations Mine Action Service.

Midlevel officials at the Pentagon and the State Department have argued that Israel violated American prohibitions on using cluster munitions against populated areas, according to officials who described the deliberations. But other officials in both departments contend that Israel's use of the weapons was for self-defense and aimed at stopping the Hezbollah attacks that claimed the lives of about 40 Israeli soldiers and civilians and at worst was only a technical violation.

Any sanctions against Israel would be an extraordinary move by the Bush administration, a strong backer of Israel, and several officials said they expected little further action, if any, on the matter.

But sanctions against Israel for misusing the weapons would not be unprecedented. The Reagan administration imposed a six-year ban on cluster-weapon sales to Israel in 1982, after a Congressional investigation found that Israel had used the weapons in civilian areas during its 1982 invasion of Lebanon. One option under discussion is to bar additional sales of cluster munitions for some period, an official said.

The State Department is required to notify Congress even of preliminary findings of possible violations of the Arms Export Control Act, the statute governing arms sales. It began an investigation in August.

Sean McCormack, the State Department spokesman, said that the notification to Congress would occur Monday but that a final determination about whether Israel violated the agreements on use of cluster bombs was still being debated.

''It is important to remember the kind of war Hezbollah waged,'' he said. ''They used innocent civilians as a way to shield their fighters.''

Even if Israel is found to be in violation, the statute gives President Bush discretion about whether to impose sanctions, unless Congress decides to take legislative action. Israel makes its own cluster munitions, so a cutoff of American supplies would have mainly symbolic significance.

Israel gave the State Department a dozen-page report late last year in which it acknowledged firing thousands of American cluster munitions into southern Lebanon but denied violating agreements that prohibit their use in civilian areas, the officials said. The cluster munitions included artillery shells, rockets and bombs dropped from aircraft, many of which had been sold to Israel years ago, one official said.

Before firing at rocket sites in towns and villages, the Israeli report said, the Israeli military dropped leaflets warning civilians of the attacks. The report, which has not previously been disclosed, also noted that many of the villages were deserted because civilians had fled the fighting, the officials said.

David Siegel, a spokesman for the Israeli Embassy in Washington, said Israel ''provided a detailed response to the administration's request for information'' on its use of cluster munitions ''to halt Hezbollah's unprovoked rockets attacks against our civilian populations centers.''

He added, ''Israel suffered heavy casualties in these attacks and acted as any government would in exercise of its right to self-defense.''

John Hillen, who was assistant secretary of state in charge of the bureau until he resigned this month, told Bloomberg News in December that Israel had provided ''great cooperation'' in the investigation. ''From their perspective, use of the munitions was clearly done within the agreements,'' he said.

Another administration official said the investigation had caused ''head-butting'' involving the Bureau of Political-Military Affairs and the Bureau of Near Eastern Affairs at the State Department, as well as Pentagon arms sales officials. Some officials ''are trying to find a way to not have to call this a substantial violation,'' the official said.

In particular, the State Department has asked Israel for additional information on reports that commanders and troops violated orders that restricted how cluster bombs could be used, an official said. In November, Lt. Gen. Dan Halutz, the chief of staff of the Israeli military until his resignation on Jan. 17, ordered an investigation into whether restrictions on use of the weapons were ignored by some units.

That investigation is still under way, and military officials have refused to divulge any details in public.

Israel's Channel 2 television reported in December that the military's judge advocate general was gathering evidence for possible criminal charges against military officers who might have ordered cluster bombs fired into populated areas.

Israel has told the State Department that it originally tried targeted strikes against Hezbollah rocket sites, but those proved ineffective.

Heavy use of cluster bombs was tried instead, to kill or maim Hezbollah fighters manning the launchers. Israeli commanders employed cluster weapons because they suspected that they would flee after firing their rockets. Even those attacks failed to stop the rockets barrages.

The agreements that govern Israel's use of American cluster munitions go back to the 1970s. But the details, which have been revised several times, are classified.

However, officials said that the agreements specified that cluster weapons could not be used in populated areas, in part because of the risk to civilians after a conflict is over if the bomblets fail to self-destruct, as they are designed to do.

The agreements said the munitions be used only against organized armies and clearly defined military targets under conditions similar to the Arab-Israeli wars of 1967 and 1973, when Israel arguably faced threats to its survival, officials said.

Since the end oflast summer's war, de-mining team have located 800 cluster-bomb strike areas, and they destroyed 95,000 bomblets, said Christopher Clark, program manager for the United Nations Mine Action Service in Lebanon. ''We found them pretty much everywhere—in villages, at road junctions, in olive groves and on banana plantations,'' Mr. Clark said.

The casualty rate has come down sharply, he said. Right after the war, there were more than 40 casualties a week; now it is about 3 or 4 a week.

Donatella Rovera, a researcher with Amnesty International in London, said older American cluster weapons used by Israel during the war did not reliably self-destruct, compared with Israel's own cluster munitions, which are newer and are said to have a much lower dud rate.

''We've asked them to release detailed maps on where the cluster bombs were used,'' Ms. Rovera said of the Israeli military. ''That is the one thing that could help speed up the cleanup process.''

[From Human Rights Watch]

ISRAELI CLUSTER MUNITIONS HIT CIVILIANS IN LEBANON: ISRAEL MUST NOT USE INDISCRIMINATE WEAPONS

BEIRUT, July 24, 2006.—Israel has used artillery-fired cluster munitions in populated areas of Lebanon, Human Rights Watch said today. Researchers on the ground in Lebanon confirmed that a cluster munitions attack on the village of Blida on July 19 killed one and wounded at least 12 civilians, including seven children. Human Rights Watch researchers also photographed cluster munitions in the arsenal of Israeli artillery teams on the Israel-Lebanon border.

''Cluster munitions are unacceptably inaccurate and unreliable weapons when used around civilians,'' said Kenneth Roth, executive director of Human Rights Watch. ''They should never be used in populated areas.''

According to eyewitnesses and survivors of the attack interviewed by Human Rights Watch, Israel fired several artillery-fired cluster munitions at Blida around 3 p.m. on July 19. The witnesses described how the artillery shells dropped hundreds of cluster submunitions on the village. They clearly described the submunitions as smaller projectiles that emerged from their larger shells.

The cluster attack killed 60-year-old Maryam Ibrahim inside her home. At least two submunitions from the attack entered the basement that the Ali family was using as a shelter, wounding 12 persons, including seven children. Ahmed Ali, a 45-year-old taxi driver and head of the family, lost both legs from injuries caused by the cluster munitions. Five of his children were wounded: Mira, 16; Fatima, 12; 'Ali, 10; Aya, 3; and 'Ola, 1. His wife Akram Ibrahim, 35, and his mother-in-law 'Ola Musa, 80, were also wounded. Four relatives, all German-Lebanese dual nationals sheltering with the family, were wounded as well: Mohammed Ibrahim, 45; his wife Fatima, 40; and their children 'Ali, 16, and Rula, 13.

Human Rights Watch researchers photographed artillery-delivered cluster munitions among the arsenal of Israel Defense Forces (IDF) artillery teams stationed on the Israeli-Lebanese border during a research visit on July 23. The photographs show M483A1 Dual Purpose Improved Conventional Munitions, which are U.S.-produced and -supplied, artillery-delivered cluster munitions. The photographs contain the distinctive marks of such cluster munitions, including a diamond-shaped stamp, and a shape that is longer than ordinary artillery, according to a retired IDF commander who asked not to be identified.

The M483A1 artillery shells deliver 88 cluster submunitions per shell, and have an unacceptably high failure rate (dud rate) of 14 percent, leaving behind a serious unexploded ordnance problem that will further endanger civilians. The commander said that the IOF's operations manual warns soldiers that the use of such cluster munitions creates dangerous minefields due to the high dud rate.

Lebanese security forces, who to date have not engaged in the fighting between Israel and Hezbollah, also accused Israel of using cluster munitions in its attacks on Blida and other Lebanese border villages. These sources also indicated they have evidence that Israel used cluster munitions earlier this year during fighting with Hezbollah around the contested Shebaa Farms area. Human Rights Watch is continuing to investigate these additional allegations.

Human Rights Watch believes that the use of cluster munitions in populated areas may violate the prohibition on indiscriminate attacks contained in international humanitarian law. The wide dispersal pattern of their submunitions makes it very difficult to avoid civilian casualties if civilians are in the area. Moreover, because of their high failure rate, cluster munitions leave large numbers of hazardous, explosive duds that injure and kill civilians even after the attack is over. Human Rights Watch believes that cluster munitions should never be used, even away from civilians, unless their dud rate is less than 1 percent.

Human Rights Watch conducted detailed analyses of the U.S. military's use of cluster bombs in the 1999 Yugoslavia war, the 2001–2002 Afghanistan war, and the 2003 Iraq war. Human Rights Watch research established that the use of cluster munitions in populated areas in Iraq caused more civilian casualties than any other factor in the U.S.-led coalition's conduct of major military operations in March and April 2003, killing and wounding more than 1,000 Iraqi civilians. Roughly a quarter of the 500 civilian deaths caused by NATO bombing in the 1999 Yugoslavia war were also due to cluster munitions.

''Our research in Iraq and Kosovo shows that cluster munitions cannot be used in populated areas without huge loss of civilian life,'' Roth said. ''Israel must stop using cluster bombs in Lebanon at once.''

Human Rights Watch called upon the Israel Defense Forces to immediately cease the use of indiscriminate weapons like cluster munitions in Lebanon.

BACKGROUND

Israel used cluster munitions in Lebanon in 1978 and in the 1980s. At that time, the United States placed restrictions on their use and then a moratorium on the transfer of cluster munitions to Israel out of concern for civilian casualties. Those weapons used more than two decades ago continue to affect Lebanon.

Israel has in its arsenal cluster munitions delivered by aircraft, artillery and rockets. Israel is a major producer and exporter of cluster munitions, primarily artillery projectiles and rockets containing M85 DPICM (Dual Purpose Improved Conventional Munition) submunitions. Israeli Military Industries, an Israeli government-owned weapons manufacturer, has reportedly produced more than 60 million M85 DPICM submunitions. Israel also produces at least six different types of air-dropped cluster bombs, and has imported from the United States M26 rockets for its Multiple Launch Rocket Systems.

There is growing international momentum to stop the use of cluster munitions. Belgium became the first country to ban cluster munitions in February 2006, and Norway announced a moratorium on the weapon in June 2006. Cluster munitions are increasingly the focus of discussion at the meetings of the Convention on Conventional Weapons, with ever more states calling for a new international instrument dealing with cluster munitions.

[From the New York Times, Aug. 25, 2006]

INQUIRY OPENED INTO ISRAELI USE OF U.S. BOMBS

(By David S. Cloud)

WASHINGTON, Aug. 24.—The State Department is investigating whether Israel's use of American-made cluster bombs in southern Lebanon violated secret agreements with the United States that restrict when it can employ such weapons, two officials said.

The investigation by the department's Office of Defense Trade Controls began this week, after reports that three types of American cluster munitions, anti-personnel weapons that spray bomblets over a wide area, have been found in many areas of southern Lebanon and were responsible for civilian casualties.

Gonzalo Gallegos, a State Department spokesman, said, ''We have heard the allegations that these munitions were used, and we are seeking more information.'' He declined to comment further.

Several current and former officials said that they doubted the investigation would lead to sanctions against Israel but that the decision to proceed with it might be intended to help the Bush administration ease criticism from Arab governments and commentators over its support of Israel's military operations. The investigation has not been publicly announced; the State Department confirmed it in response to questions.

In addition to investigating use of the weapons in southern Lebanon, the State Department has held up a shipment of M–26 artillery rockets, a cluster weapon, that Israel sought during the conflict, the officials said.

The inquiry is likely to focus on whether Israel properly informed the United States about its use of the weapons and whether targets were strictly military. So far, the State Department is relying on reports from United Nations personnel and nongovernmental organizations in southern Lebanon, the officials said.

David Siegel, a spokesman for the Israeli Embassy, said, ''We have not been informed about any such inquiry, and when we are we would be happy to respond.''

Officials were granted anonymity to discuss the investigation because it involves sensitive diplomatic issues and agreements that have been kept secret for years.

The agreements that govern Israel's use of American cluster munitions go back to the 1970's, when the first sales of the weapons occurred, but the details of them have never been publicly confirmed. The first one was signed in 1976 and later reaffirmed in 1978 after an Israeli incursion into Lebanon. News accounts over the years have said that they require that the munitions be used only against organized Arab armies and clearly defined military targets under conditions similar to the Arab-Israeli wars of 1967 and 1973.

A Congressional investigation after Israel's 1982 invasion of Lebanon found that Israel had used the weapons against civilian areas in violation of the agreements. In response, the Reagan administration imposed a six-year ban on further sales of cluster weapons to Israel.

Israeli officials acknowledged soon after their offensive began last month that they were using cluster munitions against rocket sites and other military targets. While Hezbollah positions were frequently hidden in civilian areas, Israeli officials said their,

intention was to use cluster bombs in open terrain.

Bush administration officials warned Israel to avoid civilian casualties, but they have lodged no public protests against its use of cluster weapons. American officials say it has not been not clear whether the weapons, which are also employed by the United States military, were being used against civilian areas and had been supplied by the United States. Israel also makes its own types of cluster weapons.

But a report released Wednesday by the United Nations Mine Action Coordination Center, which has personnel in Lebanon searching for unexploded ordnance, said it had found unexploded bomblets, including hundreds of American types, in 249 locations south of the Litani River.

The report said American munitions found included 559 M–42's, an anti-personnel bomblet used in 105-millimeter artillery shells; 663 M–77's, a submunition found in M–26 rockets; and 5 BLU–63's, a bomblet found in the CBU–26 cluster bomb. Also found were 608 M–85's, an Israeli-made submunition.

The unexploded submunitions being found in Lebanon are probably only a fraction of the total number dropped. Cluster munitions can contain dozens or even hundreds of submunitions designed to explode as they scatter around a wide area. They are very effective against rocket-launcher units or ground troops.

The Lebanese government has reported that the conflict killed 1,183 people and wounded 4,054, most of them civilians. The United Nations reported this week that the number of civilian casualties in Lebanon from cluster munitions, land mines and unexploded bombs stood at 30 injured and eight killed.

Dozen of Israelis were killed and hundreds wounded in attacks by Hezbollah rockets, some of which were loaded with ball bearings to maximize their lethality.

Officials say it is unlikely that Israel will be found to have violated a separate agreement, the Arms Export Control Act, which requires foreign governments that receive American weapons to use them for legitimate self-defense. Proving that Israel's campaign against Hezbollah did not constitute self-defense would be difficult, especially in view of President Bush's publicly announced support for Israel's action after Hezbollah fighters attacked across the border, the officials said.

Even if Israel is found to have violated the classified agreement covering cluster bombs, it is not clear what actions the United States might take.

In 1982, delivery of cluster-bomb shells to Israel was suspended a month after Israel invaded Lebanon after the Reagan administration determined that Israel ''may'' have used them against civilian areas.

But the decision to impose what amounted to a indefinite moratorium was made under pressure from Congress, which conducted a long investigation of the issue. Israel and the United States reaffirmed restrictions on the use of cluster munitions in 1988, and the Reagan administration lifted the moratorium.

I also want to ask for this moment when we are talking about the use of human shields to remember that certainly the people of Israel suffered, and my wife and I visited Israel and we talked to government officials who were concerned about the threat to Israel's security that was presented by Hezbollah.

□ 1200

But I also have to say that the use of cluster munitions and the use of bombs against the people of Lebanon needs to be recognized at this point. I could stand here, certainly, objecting, and I do, to Hezbollah's conduct, because we know what they did in creating conditions to use people in populated areas was wrong.

But I also think that it's important to call to the attention of this Congress the suffering of the people in Lebanon, because what happened was that bombs were dropped and perhaps over 1,000 people were killed. That needs to be discussed. We also need to recognize that the people of Lebanon have a love for America despite our Government's actions in standing back.

Let me share with you a story out of Qana that my wife and I visited. We went there late at night, and there was destruction everywhere. We were led to a graveyard where people had their families buried as a result of a U.S. attack. Then we were led to the site of where a bomb fragment or a bomb burst through an apartment building, and it killed dozens of people. It was thought that bomb was paid for by U.S. tax dollars.

The people who gathered around late at night from the village, knowing there was an American Congressman there, spoke out and said, you know, we love America. We don't like what your leaders do, but we love America. We do not wish anyone ill in America, and we want peace. We don't want Israel to be destroyed. This was made very clear. These were people who from the depths of their humanity were crying out for recognition about their suffering.

Madam Speaker, this is a fragment of the bomb which burst through an apartment building and killed dozens of women and children. I wanted to just show Congress this, because what we are talking about, using people as human shields, it's important also for the Israeli Government to take responsibilities for their actions as well. I say this as someone who speaks in defense of Israel and the defense of Israel's right to survive.

If we are going to ever have peace in the region, there has to be a mutual recognition of everyone's right to survive, and opportunity for all people to be able to bring their grievances forward and have them resolved.

I appreciate my friend's opportunity to present this.

Mr. BOOZMAN. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Madam Speaker, I rise today in support of H. Res. 125 and join with my colleagues in denouncing Hezbollah for employing the use and the tactic of placing weapons, defensive and offensive, in the midst of communities in which innocent civilians live.

I also associate myself with the previous speaker, though, in saying that we have to go beyond a narrow issue of a single enemy in the Middle East. The use of human shields in the Middle East is unfortunately widespread, not just by the cancer that grows, that is known as Hezbollah in Lebanon, but also throughout the region.

On this point, I would like to give credit where credit is due. These pictures were taken, this one was taken in 2004, where a 13-year-old Palestinian boy named Mohammed Badwan was tied to the hood of an Israeli police jeep in the West Bank. A group of Palestinian youths had been reportedly throwing rocks at Israeli police, so the boy was taken and tied to the jeep so that they would stop throwing their rocks.

On October 6, and I want to give credit where credit is due, because this has not been unanswered, on October 6, 2005, the Israel High Court of Justice, the equivalent of our Supreme Court, ruled that it was illegal for Israeli forces to use Palestinian civilians during military operations. This ruling effectively ended the officially sanctioned tactic known as neighborhood procedure, whereby Israeli soldiers would forcibly use Palestinian civilians for tasks, including entering buildings to check to see if they were booby-trapped, removing building occupants, and moving suspicious objects from roads used by the army.

One of the victims of this neighborhood procedure was a 19-year-old Palestinian student who in 2002 was killed in the West Bank after troops took the young man out of his house and forced him to knock on the door of a neighboring building, where a senior Hamas fugitive was hiding. Gunfire erupted, and the student was killed.

In addition to the Israeli Supreme Court, human rights group have also been recognized for their work, and I commend them. B'Tselem, Rabbis for Human Rights, and Adalah have worked extensively on these cases and brought them to the court. To the credit of the Israeli people and their court system, they have denounced it, and they have sought to stop it.

The Israeli Army itself, most recently, acted swiftly to suspend a commander caught on videotape using two Palestinian youths as human shields earlier this month. In the video that has been seen around the world and covered by the Associated Press, a peace activist is heard shouting to the Israeli soldiers who have positioned two youths standing in front of their vehicle, ''You can't use them as human shields. It's against the law.''

The Israeli soldier responds, ''We are not using them as a human shield.''

''They are standing in front of your jeep. How is that not a human shield? You are using them to protect you from stones,'' the activist retorts.

''We asked them to speak to their friends and ask them to stop throwing stones at us,'' the soldier says.

Shortly after this videotape was posted, the Israeli military announced

the mission commander had been relieved of operational duty following this incident, in which IDF soldiers had apparently used these civilians, and the Israeli Government acted quickly.

I applaud their swift response and their efforts to make this use of human shields, once and for all, stop. This morning I circulated a Dear Colleague via e-mail with links to these videos and news stories.

I encourage my colleagues to take a look at these articles and efforts under way to stop the use of human shields. I have also issued statements that are on my Web site at www.issa.house.gov under the heading of ''Banning the use of Human Shields.''

Madam Speaker, I believe there are two sides to this. There is a difference. One side is continuing to be a cancer on the people of Lebanon. One side is continuing to use human shields with very little to stop them. The other side is taking those measures.

I came here today to commend the Israeli Government for taking those measures, to ask them to continue to use the strongest methods possible to make sure that is eliminated from one side of the equation. I will support this resolution denouncing the other side of the equation that continues to use human shields.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I might consume.

To my good friend from California, as well as my good friend from Ohio, I would address the following observations and concerns. First, I would like to thank each of them for their support for this resolution condemning Hezbollah for their actions.

But I would like to note for the record that there is a tremendous difference between a perpetrator and a victim. A perpetrator is the one who initiates the act. The victim is the one who is victimized by the act. Very often, in an act of violence, murder, mayhem, the victim fights back. The victim has every single right in the world, legally and morally, to defend itself against violence. Some might argue sometimes that in defense of oneself, the victim goes too far. The woman being raped tries to scratch out the eyes of the rapist. Who is to blame her?

I thank my two friends for also pointing out that there is a difference in systems, that there is a difference in moral values between that which the Hezbollah does and the response of the Israelis. I appreciated the fact that the gentleman from Ohio brought in part of a weapon of destruction that was used in self-defense, but I am also happy that we did not bring in gory pictures of Israeli children and women on their way to school or working on farms or in their villages, who every day are subject to attacks and missiles fired by Hezbollah as they go about their daily, innocent lives.

I thank the gentleman from California for calling to the House's attention in so eloquent a way of what is rarely government and governance and society and what Israel is all about, who points out graphically and with the evidence he brought before us the fact that it was an Israeli human rights defender who called out to the Israeli soldiers whose conduct he properly called into question, that they have no right to do that and that there are laws against it.

Where were the Lebanese people calling out to the Hezbollah who invaded their homes and their neighborhoods and took over and used them, sometimes willingly, sometimes not, as human shields, and said to them, we forbid you to do this, it's against our human rights, and it's against our laws? Not once.

I thank the gentleman from California for pointing out the Israeli system of justice, which stands basically equal to ours. We, too, in the pursuit of terrorists and evildoers, as the President would call them, sometimes unfortunately commit acts in that pursuit and in defense of ourselves against the terrorists, where civilians are hurt and civilians do die. But that is not our purpose. When the Hezbollah does that, that is their intention for the civilians to die.

I thank the gentleman from California for pointing out that this went through the Israeli justice system because it is contrary to the laws of the democracy of the democratic State of Israel. It went to the Supreme Court of Israel, and that court found, in full view, because Israeli television shows showed their soldiers doing something wrong, and they were charged, and the court found them guilty, and the court banned it.

People were held responsible in a responsible society. That did not happen with the Hezbollah. That did not happen in Lebanon. It happened in Israel where people paid the price, where the military officers who were in charge of the operation were found guilty.

That is the difference between a democratic, humane society, where there are innocent victims of self-defense, who unfortunately, as individuals within the military, sometimes get carried away. That happens in every army in the history of the world. But holding people responsible for those individual actions is a sign of a true democracy.

That did not happen with the Hezbollah. That did not happen with Lebanon. That is the difference between democratic, humane societies and terrorist organizations.

□ 1215

I thank our two colleagues for bringing this to the attention of the House so that we might highlight the differences between two societies, Hezbollah, governed by terror, whose only purpose is to wreak havoc upon civilian populations, and a democracy like Israel, who responds to terrorism and sometimes have unfortunate incidents for which they hold individuals responsible and who pay the price.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of House Resolution 125, championed by Ranking Member ILEANA ROS-LEHTINEN, Dr. BOOZMAN and Mr. ACKERMAN, which opposes using civilians as human shields.

As a member of the Armed Services Committee, as a 31-year veteran of the Army Reserves and National Guard, and as the father of four sons in the U.S. military, I know firsthand that using human shields violates international law.

Just last year, American and international leaders condemned the use of human shields. The Lebanese have been particularly victims of human shields in the past year. On August 11, 2006, Secretary of State Condoleezza Rice stated, ''Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose and exploiting them as human shields.''

On August 14, President George W. Bush stated, ''Hezbollah terrorists targeted Israeli civilians with daily rocket attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response.''

Also, as to Israel, we should note that the Israeli Supreme Court has ruled a ban to the use of human shields. Additionally, Israel has a strict policy against the use of civilians as human shields, and in dealing with the isolated incidents where the policy is violated, takes measure to punish those responsible and prevent these acts from occurring in the future.

It is clear, as eloquently reviewed by Mr. ACKERMAN, that no one should seek to apply a moral equivalency between isolated incidents formally opposed by Israel's democratically elected government and the actions of Hezbollah, whose policies and tactics show disregard for human life and advocate intentionally using the tactic of embedding its forces among civilians to use them as human shields, abusing the people of Lebanon.

I urge my colleagues to support House Resolution 125, condemning the use of human shields.

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman, and I commend my colleagues for bringing this important legislation to the floor.

It was obvious, I think, to all people watching the news coverage during the recent Hezbollah-Israel war that it was standard operating procedure for Hezbollah to place its soldiers that were firing rockets into Israel, in housing projects, in housing areas where there were civilians, and the only way

that Israel could respond to that rocket fire involved risking the lives of the women and children who lived in those areas. It was disgraceful and it was a violation of international law. And to me it is absolutely ridiculous that Hezbollah would find some photo of a bunch of Palestinian youths leaning on a tank and try to make an argument in front of the world stage that that is the moral equivalent of what they were doing. There is absolutely no comparison.

Mr. Speaker, I just wanted to commend my colleague from New York and people on both sides of the aisle for bringing forward this important piece of legislation.

Mr. HOYER. Mr. Speaker, last summer, Hezbollah militants kidnapped two Israeli soldiers and instigated an armed conflict in which they indiscriminately fired thousands of rockets and mortar shells into Israel with the hope of inflicting as many civilian casualties as possible.

And what was most disturbing about Hezbollah's actions was not that they targeted innocent men, women, and children with their attacks—the world has come to expect such cowardly tactics from terrorist organizations that are dedicated to inflicting anguish and destruction.

Rather, it was the fact that Hezbollah embedded their equipment and bases of operations amid the Lebanese civilian population—effectively using them as "human shields" to protect them from retaliation.

This brutal exploitation of a civilian population—and others like it that take place all too often in areas controlled by Hezbollah and Hamas—stands in direct violation of international humanitarian law and laws of war during armed conflict.

Today, I am proud to join with my fellow Members of Congress in condemning the use of human shields in armed conflict—and I stand with all of the people of the world who understand that the role of a soldier is to protect civilians, not exploit them for security or political gain.

Mr. GARRETT of New Jersey. Mr. Speaker, today I rise in support of the resolution condemning Hezbollah's frequent use of civilians to protect their military forces and cache of weapons. All too often we hear claims that Hezbollah and the Israeli Defense Forces are moral equivalents. But when we look at the facts, we see that Hezbollah constantly demonstrates that it is a force that does not operate under the international treaties that attempt to govern warfare.

Hezbollah has set up shop in southern Lebanon and, while they attempt to participate in the legal process of that nation, they are not under the control of any government. They use the funds of Iran and Syria to act as their proxies in the fight against Israel. There is little dispute that they store much of their military equipment below civilian houses and during the most recent conflict their military leadership holed up in bunkers filled with non-combatants.

Hezbollah fights their wars in the international press as much as they fight them in the battlefield. Sadly, civilian deaths are seen as a victory since they can use the cry of war atrocities to keep the Israelis from engaging their forces.

On the other side we see Israeli forces who clearly identify their military personnel by uniform and delineate their military installations from civilian. Yet, Hezbollah still chooses to indiscriminately shoot their rockets into principally civilian areas.

Hezbollah operates far outside the bounds of international law, something we must not forget as we seek to control them through international bodies such as the United Nations. With no regard for the lives of their own nationals, can we expect them to hold up their end of Security Council resolutions? We must stand with the legitimate government of Israel, a shining light of democracy and freedom besieged by those with no respect for law or life.

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

Mr. ACKERMAN. Mr. Speaker, I have no further speakers on our side, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 125, as amended.

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

The title of the resolution was amended so as to read: ''Resolution expressing deep concern over the use of civilians as 'human shields' in violation of international humanitarian law, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel.''.

A motion to reconsider was laid on the table.

URGING ALL MEMBER COUNTRIES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE TO EXPEDITE RATIFICATION PROCESS

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 240

Whereas the International Tracing Service (ITS) archives located in Bad Arolsen, Germany, which are administered by the International Committee of the Red Cross, contain an estimated 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes;

Whereas the ITS archives at Bad Arolsen remain the largest closed Holocaust-era archives in the world; while access to individual records can be requested by Holocaust survivors and their descendants, many who have requested information in the past have reported facing significant delays and even unresponsiveness; furthermore, the records remain inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords, the treaty governing the administration of the ITS, established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) charged with overseeing the administration of the ITS Holocaust archives;

Whereas following years of delay, in May 2006 in Luxembourg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would allow researchers to use the archives and would allow each Commission member country to receive digitized copies of archive materials and make the records available to researchers under the respective national laws relating to archives and privacy;

Whereas the May 2006 Amendments to the Bonn Accords require each of the 11 members of the International Commission to ratify the amendments before open access to the Holocaust archives is permitted;

Whereas although the final signature was affixed to the amendments in October 2006, only 4 out of the 11 Commission member countries (the United States, Israel, Poland, and the Netherlands) have ratified the amendments to date;

Whereas the United States Holocaust Memorial Museum has for years been working tirelessly to provide public access to the materials in the Bad Arolsen archives;

Whereas on March 8, 2007, representatives from the 11 member countries of the International Commission of the ITS met in the Netherlands and reviewed the current ratification status of each country and the ratification process in its entirety;

Whereas it is a moral and humanitarian imperative to permit public access to the millions of Holocaust records housed at Bad Arolsen;

Whereas it is essential that Holocaust researchers obtain access now, while survivors are living, so that the researchers can benefit in their scholarly work from the insights of eyewitnesses;

Whereas in the Holocaust's aftermath, there have been far too many instances of survivors and heirs of Holocaust victims being refused their moral and legal right to information—for restitution purposes, slave labor compensation, and personal closure;

Whereas opening the historic records is a vital contribution to the world's collective memory and understanding of the Holocaust and efforts to ensure that the anti-Semitism that made such horrors possible is never again permitted to take hold;

Whereas anti-Semitism has seen a resurgence in recent years; as recently as December 2006, the President of Iran, Mahmoud Ahmadinejad, held the second Holocaust denial conference in Tehran in one year; and

Whereas in light of this conference, President Ahmadinejad's anti-Semitic rhetoric, and a resurgence of anti-Semitism in part of the world, the opening of the archives at Bad Arolsen could not be more urgent: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends in the strongest terms all countries that have to date ratified the amendments to the Bonn Accords to allow for open access to the Holocaust archives of the International Tracing Service (ITS) located at Bad Arolsen, Germany;

(2) commends those countries that have committed to expedite the process of releasing the archives and expects those countries to abide by their commitments;

(3) strongly urges all countries that have to yet to ratify the amendments to abide by their treaty obligations made in May 2006 and to expedite the ratification of these amendments;

(4) strongly urges all Commission members to consider the short time left to Holocaust survivors and unanimously consent to open the ITS archives should all countries not ratify the amendments by May 2007;

(5) expresses the hope that bureaucratic and diplomatic processes will not further delay this process; and

(6) refuses to forget the murder of 6,000,000 Jews and more than 5,000,000 other victims during the Holocaust by Nazi perpetrators and their collaborators.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, it is a distinct honor to introduce H. Res. 240, a resolution urging the immediate ratification of the amendments to the 1955 Bonn Accords. This treaty would open the immense records of the Holocaust to Nazi war crime victims in Bad Arolsen, Germany. I would like to thank my good friend from Florida, Representative ALCEE HASTINGS, who introduced this important resolution of which I am a proud cosponsor.

Mr. Speaker, the horror of Nazi crimes perpetrated on Jews and others across Europe were accompanied by meticulous recordkeeping that was maintained by the Third Reich throughout the reign of its terrible regime. These accounts include listings of victims, medical records, transport notes and other details that often provide the only history of millions of innocent people who perished at the hands of the Nazis.

An abandoned S.S. barracks at Bad Arolsen became the repository for many of these records, where they remained under the control the Allied Forces, and then under a consortium of 11 nations since the end of World War II, some 62 years ago.

Throughout those years, these records have been closed to the public. Most survivors' requests have been met with reluctance or disappointing bureaucratic neglect, resulting in some 500,000 legitimate requests for information that were outstanding by the year 2000, some of them made by people who are no longer with us today.

Bad Arolsen contains the records of 17.5 million individuals, and I have been told by experts at the Holocaust Museum here in Washington that almost every person to have known to have been a part of that terrible time can be found in those records, victims including Anne Frank, marks of saviors such as Oskar Schindler's famous list, and my octogenarian friend and constituent, Jacob Rosenthal of Long Island, and probably information on my own family members.

Mr. Speaker, there is a picture that hangs in my den. It used to hang in my mother's house. The color of the picture is completely in sepia, as was traditional for the time in which it was taken in Poland. It is a picture of the wedding party of my grandfather and grandmother, the grandmother whom I am named after and never met. It is a very old picture. The corners are turned down. It is starting to fade.

In front of the entire wedding party sits a whole group of young children sitting on the ground. My mother would point to this picture and point to the little children and say, ''This is my Uncle Chaim, and this one is my Aunt Rachel.'' I would ask, ''Mom, they are only children. How can they be your aunt and your uncle?'' And her response was, ''They will always be children.''

My mother never knew what happened to them. She would have liked to have known. Maybe those records will tell us what happened to them.

For survivors of the Holocaust, such as our good friend and colleague and chairman of the Foreign Affairs Committee, TOM LANTOS, time for answers, for truth, for recognition that our loved ones existed and mattered is running out. We need these archives opened now, not next year, not a decade from now when fewer survivors will be here to find peace and possibly a strong degree of closure in the material in these archives. And perhaps opening these archives of over 17 million people will in part answer those evil people like the President of Iran, Mr. Ahmadinejad, who claims that the Holocaust never existed.

Our good friend from Kansas spoke on another bill and he cited scripture from Isaiah saying ''you be my witness.'' The Nazis were their own witnesses and documented in tremendous detail the lives of all of these people, as well as their deaths.

The 1955 Bonn Accords Treaty governs these records. The 11 countries that signed that treaty agreed in 1998 to open these records to the public, but it did not happen. Last year, these nations agreed to ensure not only the opening of the records, but also the sharing of digitized copies and access for researchers.

Diplomatically, substantial progress has been made in recent years in achieving international agreement. Four countries have ratified the 2006 amendments: the United States, Israel, Poland and the Netherlands. With this resolution, Congress urgently encourages the remaining seven countries to ratify the amendments by May of 2007. Next month is the deadline, and we insist we make the digital archives records available as soon as they are ready this summer.

Mr. Speaker, I strongly support this resolution, and urge all of our colleagues to do the same.

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

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

Mr. Speaker, today I rise in support of H. Res. 240 dealing with the Holocaust archives. I would like to thank my colleague, Congressman HASTINGS of Florida, for introducing this bill which urges member countries of the International Commission of the International Tracing Service to ratify, if they haven't yet done so already, the May 2006 amendments to the 1955 Bonn Accords Treaty to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

The Holocaust stands as one of history's darkest moments. It is critical that we understand and educate future generations about what happened under the Nazi oppression and ensure that these atrocities are never repeated.

The ITS archives at Bad Arolsen are the largest closed Holocaust-era archives in the world, containing millions of records about the fate of over 17 million victims of Nazi Germany. Allowing open access to these records will provide researchers and scholars with materials necessary to enhance the public knowledge about the Holocaust as well as provide Holocaust survivors and their families with the information about their loved ones and help bring them closure.

Furthermore, creating open access to these documents will provide the information necessary to address issues of Holocaust compensation. In particular, many insurance companies have refused to honor Holocaust-era insurance policies brought about by Holocaust victims and survivors prior to and during World War II. These insurance companies have for over 60 years now refused to provide compensation under the insurance policies to Holocaust survivors or families of the Holocaust victims, arguing that Holocaust survivors and their families don't have the documentation, such as death certificates and insurance records. The concentration camps in which many of the Holocaust victims perished didn't issue death certificates and all assets and documents were confiscated from the Jews during that time by the Nazis. Many of these documents now remain closed in archives like Bad Arolsen.

□ 1230

Unfortunately, today, we cannot bring back those who have perished in

the Holocaust at the hands of Nazi Germany, nor can we erase the pain and suffering from the memories of those who survived these atrocities.

However, what we can do, and what H. Res. 240 aims to accomplish, is to make sure that the Holocaust-era archives are opened in an effort to bring long awaited justice and closure to Holocaust survivors and their families, as well as help ensure, through education, that atrocities committed during the Holocaust are never repeated.

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

Mr. ACKERMAN. Mr. Speaker, to the gentleman from Florida, chairman of the Rules Subcommittee on Legislative and Budget Process, the initiator, sponsor, motivator of this legislation to whom we owe a debt of gratitude, Representative ALCEE HASTINGS, I yield 5½ minutes.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my very good friend and an original cosponsor of this resolution, Representative GARY ACKERMAN, for the time.

Let me first say how grateful I am for the bipartisan cooperation and support of many House leaders to ensure that this important legislation was promptly brought to the House floor.

In particular, I thank the Chair of the House Foreign Affairs Committee, Representative TOM LANTOS, a true champion of this issue, and so many others in the international forum. I also thank the ranking member of the committee, and my fellow Floridian, ILEANA ROS-LEHTINEN. Both of them were critical in moving this bill forward.

I am also deeply appreciative of the tireless commitment to justice and fairness of the chairman of the Europe Subcommittee, my colleague and very good friend from Florida, Representative ROBERT WEXLER. Representative WEXLER not only held a critical hearing on this matter in his subcommittee, but also shepherded the resolution through the full committee.

And of course, I applaud the Republican cosponsor of this bill, my friend, Representative MARK KIRK, for his commitment to this issue. Both of these individuals have been instrumental in bringing this issue to the forefront of the United States Congress.

And, Mr. Speaker, very occasionally we don't mention our young staff people, but Eve Lieberman, in my office, had an awful lot to do with the work on this measure.

Mr. Speaker, appallingly, 62 years after the concentration camps of Europe were liberated, Holocaust survivors, their families and researchers still lack immediate, unfettered access to the Holocaust archives located in Bad Arolsen.

This important legislation follows upon previous efforts I made, with Representatives WEXLER and KIRK, to open the archives. Earlier this year, I led bipartisan congressional letters to several European countries urging them to swiftly ratify the agreement to open the archives.

I was also privileged to testify at a hearing on this issue, along with Holocaust Museum experts, the State Department and Holocaust survivors. Since that hearing took place last month, and the letters were penned, I am pleased to report to my colleagues that the United Kingdom and Germany have ratified the treaty.

Indeed, our efforts are paying off. Nevertheless, much more needs to be done.

In our world, filled with anti-Semitism, hate, racial bigotry, xenophobia and religious intolerance, it is imperative to expose the horrors of the Holocaust to all humanity.

When the leader of Iran hosts numerous Holocaust denial conferences, and others in the world attempt to legitimize it, it could not be more important to open these Holocaust archives.

The majority of the member countries of the International Tracing Service have been derelict in their obligations under the amendments to the Bonn Accords which they signed last May. These amendments require full and open access to the archives. Shamefully, it remains unclear when these countries will fulfill their obligations.

If European countries are actually committed to closing this dark chapter in world history and combating modern day anti-Semitism, then they must ratify these amendments immediately.

With every day the archives remain closed, Holocaust survivors who have suffered some of the most unimaginable and tragic horrors and terrors are being forced to suffer even more. It is unconscionable that these individuals are now the ones burdened the most by unwarranted bureaucratic delays.

In passing this legislation, Mr. Speaker, the House is proving its commitment to this issue, and that it is watching the remaining European nations to ensure their expeditious ratification. The short time left for the remaining Holocaust survivors does not afford us time to deprive them of this critical information any longer.

Next month I will attend an anti-Semitism conference in Romania. It will be my great hope that by that time the other countries have ratified this matter.

I thank my friend from New York, Representative ACKERMAN, for the time.

Mr. BOOZMAN. Mr. Speaker, I yield to the gentleman from Illinois, Congressman KIRK, as much time as he desires.

Mr. KIRK. Mr. Speaker, I thank the gentleman from Florida, and it has been a great partnership.

I rise in support of H. Res. 240, calling on the European nations to grant open access to the Holocaust archives in Bad Arolsen, Germany.

To date, the United States and Israel, Poland, the Netherlands, Great Britain, even Germany, ratified the amendments to the Bonn Accords, amendments which would finally give survivors real-time digital access to millions of Nazi records, and provide researchers access to all of the archives.

But for some reason, France and Italy, Greece, Belgium and Luxembourg are dragging their feet. One year after agreeing to these amendments, these five European nations remain silent on ratification. Mr. Speaker, silence on this issue is unacceptable and reprehensible.

We stand at a crossroads of history, at a time when Iran, a member of the United Nations, sponsors official conferences to deny the Holocaust, we need to act here. At a time when the President of Iran calls for the murder of another 6 million Jews, we need to act on this issue. At a time of resurgence of anti-Semitism and Holocaust denial throughout Europe and the Middle East, this is the time to act.

Sixty years ago the United States Army, when we liberated the camps, we made a solemn promise of ''never again.'' And today, as President Ahmadinejad says he wants to, quote, wipe Israel off the map, we must say clearly to Europe, open these archives now to show the world that we stand behind this pledge.

I want to thank my longtime friend, the gentleman from Florida (Mr. HASTINGS), for giving me the privilege of working with him on this issue. I also want to thank Chairman LANTOS and Ranking Member ILEANA ROS-LEHTINEN and the gentleman from Florida (Mr. WEXLER) for their work.

I also want to thank Richard Goldberg, of my staff, and Eve Lieberman from Chairman HASTINGS' staff and Kay King from Chairman LANTOS' staff for this, as well as action by outside experts, Paul Shapiro at the U.S. Holocaust Museum, Rick Hirshaut at the Illinois Holocaust Museum, Rabbi Alan Cooper at the Simon Wiesenthal Center, Lonnie Nasatir at the Anti-Defamation League, and Jay Tcath of the Chicago Jewish Federation, who have all come together on an overwhelmingly bipartisan issue to send a clear message, open the archives. Make sure the message goes forth that the Holocaust deniers and especially the Iranian Government are wrong. We need to open the record, set it straight and make sure that the record is clear, especially to the survivors that are still among us.

Mr. BOOZMAN. Mr. Speaker, we don't have any other speakers. I also, though, would like to thank the staffs of the Foreign Affairs Committee for their hard work, not only on this bill, but the other bills that have been presented today.

I yield back the balance of our time.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise in support of H. Res. 240, the resolution

calling on our colleagues in other nations to ratify the agreement opening the Bad Arolsen archives. I was proud to cosponsor this resolution but I am saddened that it is necessary to remind some of our closest allies what is at stake here.

The Bad Arolsen archives represent over 17 million people records related to the Holocaust and post-World War II displacement. Survivors of this tumultuous time want nothing more than to find evidence of what happened to their loved ones. We are all too aware that members of this generation are dying each day and that time is of the essence.

While survivors are able to make a request for records, the current system is both backlogged and poorly managed. Over 500,000 requests are unfulfilled and there are demonstrated cases where survivors have been incorrectly advised that there are no records concerning them.

Today, we call on the legislatures of the United Kingdom, Luxembourg, Germany, Belgium, Italy, Greece, and France to live up to their promises to swiftly approve the changes necessary to open the archive. How many more survivors need to pass away before the bureaucratic red tape is cleared away?

Now is the time to provide answers that survivors have been seeking for over 60 years. Now is the time to provide some measure of comfort to those who were terrorized by the systematic violence of the Nazis and the chaos of the war to end their reign.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 240 which would help open access to the Holocaust archives located at Bad Arolsen, Germany.

Sixty-two years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed World War Two-era archives in the world. While access to individual records may be requested by Holocaust survivors and their families, many who have requested information in the past reported facing significant delays. These millions of extensive records continue to remain inaccessible to researches.

In order to allow for open access to the archives, each of the 11 members of the International Commission of the International Tracing Services must ratify the May 2006 amendments to the Bonn Accords. Deplorably, the majority of the member countries of the International Commission have yet to ratify these amendments. To date, the amendments have only been publicly ratified by 4 out of the 11 Commission member countries. That is why it is important that we are passing H. Res. 240 today.

The 110th Congress has recently recognized Holocaust Remembrance Day, and I am pleased that we are continuing our efforts to "never forget". My district, the 9th Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps in the country, and the opening of the Bad Arolsen Archive holds deep meaning for those individuals and the entire community. Perhaps the records located there will help these families fill in the blanks in their lives that were shattered by Nazi Germany.

I am proud to be a cosponsor of H. Res. 240, and I urge all of my colleagues to lend it their support.

Mr. ACKERMAN. We thank everybody for everything as well, including the Speaker. I have no further speakers. I yield back the balance of our time.

The SPEAKER pro tempore. All time has now expired. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 240.

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

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GIAN CARLO MENOTTI

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 68), honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 68

Whereas Gian Carlo Menotti was born on July 7, 1911, in Cadegliano-Viconago, Italy;

Whereas Mr. Menotti began writing songs at age 7, and at age 11 wrote both the libretto and music for his first opera, The Death of Pierrot;

Whereas Mr. Menotti began his formal musical training in 1923 at Milan's Verdi Conservatory;

Whereas after the death of his father, Mr. Menotti and his mother emigrated to the United States, and he enrolled at Philadelphia's Curtis Institute of Music;

Whereas Mr. Menotti's first full-length opera, The Consul, premiered in 1950, and it won both the Pulitzer Prize for Music and, in 1954, the New York Drama Circle Critics' Award for Musical Play of the Year;

Whereas in 1951, Mr. Menotti wrote his beloved Christmas opera, Amahl and the Night Visitors, for the Hallmark Hall of Fame;

Whereas Amahl and the Night Visitors was the first opera ever written for television in the United States and was first aired on Christmas Eve in 1951;

Whereas Amahl and the Night Visitors was such a success that it became an annual Christmas tradition and remains Mr. Menotti's most popular work to this day;

Whereas in 1955, Mr. Menotti won a second Pulitzer Prize for his opera, The Saint of Bleecker Street;

Whereas in 1958, Mr. Menotti founded the Festival dei Due Mondi (Festival of the Two Worlds) in Spoleto, Italy, as a forum for young American artists in Europe;

Whereas when the organizers of the Festival of Two Worlds decided to plan a companion festival in the United States, they searched for a city that would offer the charm of Spoleto, Italy;

Whereas Mr. Menotti and the Spoleto USA organizers decided that Charleston, South Carolina, was the perfect counterpart to Spoleto, Italy, because Charleston is small enough to be dominated by nonstop arts events during the 17-day festival, but also large and sophisticated enough to provide a knowledgeable audience and appropriate theaters;

Whereas the Spoleto USA organizers also observed that Charleston has an extensive history of involvement with the arts, from housing the Nation's first theater and ballet companies to housing the Nation's oldest musical organization;

Whereas Mr. Menotti founded the Spoleto Festival USA in 1977, and the festival quickly became a haven for a large group of artists, both traditional and experimental, who were attracted to the mix of dance, theater, opera, music, and visual arts;

Whereas the Spoleto Festival USA has maintained traditions of the Festival of Two Worlds, such as a dedication to young artists, an enthusiasm for providing unusual performance opportunities to recognized masters in their fields, and a commitment to all forms of the performing arts, including classical ballet, modern and post-modern dance, opera, chamber, symphonic, and choral music, jazz, theater, and visual arts;

Whereas the Spoleto Festival USA currently claims an audience of between 70,000 and 80,000 attendees each year; and

Whereas Gian Carlo Menotti died on February 1, 2007, in a hospital in Monte Carlo: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the life and accomplishments of Gian Carlo Menotti and recognizes the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Con. Res. 68 into the RECORD.

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

There was no objection.

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H. Con. Res. 68 honors the life and accomplishments of Gian Carlo Menotti, and recognizes the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

I would like to thank Representative BROWN from South Carolina for bringing this important resolution to the floor.

Gian Carlo Menotti was born July 7, 1911, at Cadegliano-Viconago, Italy. At the age of 7, under the guidance of his mother, he began to compose songs, and 4 years later he wrote the words and music of his first opera, ''The Death of Pierrot.''

Following the death of his father, his mother took him to the United States, where he was enrolled at Philadelphia's Curtis Institute of Music. There he completed his musical studies.

His first mature work, the one-act opera buffa, ''Amelia Goes to the Ball,'' was premiered in 1937, a success that

led to a commission from the National Broadcasting Company to write an opera especially for radio, ''The Old Maid and the Thief,'' the first such commission ever given.

''The Consul,'' Menotti's first full-length work, won the Pulitzer Prize and the New York Drama Critics Circle Award as the best musical play of the year in 1954.

In 1984, Menotti was awarded the Kennedy Center Honor of Lifetime Achievement in the Arts. He was chosen 1991 Musician of the Year by Musical America, inaugurating worldwide tributes to the composer in honor of his 80th birthday.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 68. This resolution honors the life and accomplishments of Gian Carlo Menotti, and recognizes the success of the Spoleto Festival USA, which he founded in my birthplace of Charleston, South Carolina.

Born in Italy, near Lake Magiore and the Swiss border, Mr. Menotti began writing songs at the age of 7. By 11 he wrote both the story line and music for his first opera, ''The Death of Pierrot,'' and shortly thereafter began his formal musical training at Milan's Verdi Conservatory.

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After the death of his father, Menotti and his mother immigrated to the United States, where he enrolled at Philadelphia's Curtis Institute of Music.

In 1951 Mr. Menotti wrote his beloved Christmas opera, ''Amahl and the Night Visitors,'' for the Hallmark Hall of Fame. ''Amahl and the Night Visitors'' was the first opera ever written for television in the United States and was first aired on Christmas Eve in 1951. ''Amahl and the Night Visitors'' was such a success that it became an annual Christmas tradition and remains Mr. Menotti's most famous popular work to this day.

In 1958 he founded the Festival of Two Worlds in Spoleto, Italy. This festival was intended to bring opera to a popular audience and helped launch the careers of such artists as singer Shirley Verrett and choreographers Paul Taylor and Twyla Tharp.

In 1977 he founded its companion festival, Spoleto Festival USA, in Charleston, South Carolina. Spoleto Festival USA is an annual 17-day festival of the arts which produces opera, and it presents dance, theater, classical music, and jazz. The festival is held in late May and early June.

Charleston was chosen as the location for the festival due to its wealth of theaters and other performance spaces. Each year the festival hosts over 100 performances by international artists in a variety of disciplines. Since its inception it has presented 100 international premieres and 93 American premieres, notably ''Creve Coeur'' by Tennessee Williams and ''The American Clock'' by Arthur Miller. World-renowned artists who performed at Spoleto Festival USA early in their careers include Renee Fleming, Emanuel Ax, Joshua Bell, Joanna Simon, and Yo-Yo Ma. The festival claims an audience annually of between 70,000 to 80,000 persons each year.

In 1984 Menotti was awarded the Kennedy Center Honor for Achievement in the Arts, and in 1991 he was chosen Musical America's ''Musician of the Year.'' In addition to composing operas to his own texts, on his own chosen subject matter, Menotti directed most productions of his work.

Gian Carlo Menotti died on February 1, 2007, at the age of 95 in a hospital in Monte Carlo, Monaco, where he had a home.

I want to thank my colleagues, led by Congressman HENRY BROWN and my fellow members of the South Carolina delegation, for honoring the life of this great Italian American artist as well as his lasting legacy, the Spoleto Festival USA.

I ask my colleagues to support this resolution.

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

Ms. CLARKE. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from New Jersey, BILL PASCRELL, Jr., member of the Ways and Means Committee.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentlewoman for yielding.

I rise today in strong support of House Concurrent Resolution 68, a resolution honoring the life and accomplishments of Gian Carlo Menotti, who passed away earlier this year at the age of 95.

As cochair of the congressional Italian American delegation, I am especially proud to be here today to honor Gian Carlo Menotti. This award-winning composer and champion of artists was one of the most significant composers to emerge after World War II.

A native of Italy, he was the sixth of ten children. He began writing songs when he was 7 years of age. If you can flash back to when we were 7 years of age, I know that maybe the Speaker was writing songs, but I wasn't. He wrote both the libretto and music for his first opera, ''The Death of Pierrot.'' He was an immigrant. So we are not only talking about his life, we are talking about all of those immigrants who came here with nothing and made something that everybody was affected by in his life.

He came to this country in 1928. And his first full-length opera was ''The Consul,'' which premiered in 1950. He won the Pulitzer Prize for Music and in 1954 the New York Drama Circle Critics' Award for Musical Play of the Year. The piece was translated into 12 languages and performed in no fewer than 20 countries.

In 1951 he wrote the Christmas opera ''Amahl and the Night Visitors,'' the first opera ever written for television in the United States. It first aired on Christmas Eve in 1951, and it remains the most popular work to this day.

In 1958 he founded the Festival dei Due Mondi, which is the Festival of the Two Worlds, in Spoleto, Italy, as a forum for young American artists who were in Europe. This was a place for them to go to really bevel their skills so that they can communicate to the rest of the world the beauty of music.

When the organizers of the Festival of Two Worlds searched for a city, they went to Charleston, a great city which Congressman WILSON spoke of, and I think that is where he was born. So they gave us not only Congressman WILSON, but they also gave us great music. It is a beautiful city, and they saw what was in Spoleto, Italy, and they tried to replicate that.

Mr. Menotti founded the Spoleto Festival USA in Charleston in 1977, and it has since maintained the tradition, and you heard the speaker previously speak about how many people go to that festival.

I am proud to lend my voice today to the chorus of those in support of this resolution.

True, Mr. Speaker, there was no TV series or reality TV reflecting the genius of this man. Thank God. His music spoke for itself and sounded for itself. And when we talk about television and what goes on the tube and what passes for reality and the series that we see and are exposed to that are supposed to reflect to us the ethnicity of certain groups, it is shameful that we do not give presence to this beautiful immigrant who gave his life, as the individual we honored last year, who painted the inside of this Capitol and wound up with nothing in his pocket at the end of it. These are the people that made America. Not the people that get whacked on series. And thank God it is going to be over pretty soon.

So we celebrate the accomplishments of Gian Carlo Menotti not just for Italians, not just for Italian Americans, but for all of us. We are all immigrants. We are all immigrants. And so we say that word respectfully as we move towards the discussion and the debate about what our immigration policy will be later on in this year. And hopefully we will come to salient solutions which reflect the best of our immigrant population, every group, regardless of which continent you came here from.

So thank you, Madam Congresswoman, and thank you, Mr. WILSON from South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, I appreciate the information enthusiastically provided by Mr. PASCRELL, who is certainly one of the finest Members we have here, and I appreciate our long association.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank my good friend Joe Wilson for yielding me this time and for those great remarks of Mr. PASCRELL.

Mr. Speaker, I rise today to speak on H. Con. Resolution 68, which is a resolution honoring the life of Gian Carlo Menotti, who was the founder of the Spoleto Festival USA that happens every year in Charleston, South Carolina.

Mr. Speaker, on February 1, 2007, Gian Carlo Menotti passed away. He was a Pulitzer Prize-winning composer and champion of the arts in the United States and in Italy.

In 1958 he founded the Festival of Two Worlds in Spoleto, Italy, as a forum for young artists in Europe. In 1977 he decided to plan a companion American festival, and they searched for an American city that would offer the charm of Spoleto, Italy.

Mr. Menotti and the Spoleto Festival organizers decided that Charleston, South Carolina, was the perfect counterpart to Spoleto, Italy. Charleston is small enough to be dominated by nonstop arts events during the 17-day festival but also large and sophisticated enough to provide a knowledgeable audience and appropriate theaters.

Organizers also observed that Charleston, South Carolina, has an extensive history of involvement with the arts from housing America's first theater and ballet companies to housing the oldest musical organization in the country.

The Spoleto Festival quickly became a haven for a large group of artists, both traditional and experimental, who found the mix of dance, theater, opera, music, and the visual arts.

The Spoleto Festival USA has maintained traditions of the Festival of Two Worlds, such as a dedication to young artists and an enthusiasm for providing unusual performance opportunities to recognized masters in their fields and a commitment to all forums of the performing arts, including classical ballet, modern and post-modern dance, opera, chamber, symphonic, and choral music, jazz, theater, and visual arts.

Spoleto Festival USA currently claims an audience of over 75,000 attendees each year, and the festival continues its dedication to providing performance opportunities to young artists from across the United States and Italy.

Mr. Speaker, H. Con. Res. 68 has been endorsed by the National Italian American Foundation and is cosponsored by the entire South Carolina delegation, including my friend and colleague who also represents part of Charleston, South Carolina, the majority whip, Jim Clyburn.

I urge all of my colleagues to support H. Con. Res. 68 in honor of the father of Spoleto Festival USA, Gian Carlo Menotti.

Mr. WILSON of South Carolina. Mr. Speaker, I do want to conclude with thanking Mr. BROWN for his leadership in bringing this to the attention of our country.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 68.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE THAT SCHOOLS SHOULD CELEBRATE NATIONAL GARDEN MONTH THROUGH A CURRICULUM THAT INCLUDES OUTDOOR LEARNING

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 292) expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 292

Whereas individuals in the United States desire a healthy environment for the future;

Whereas teaching children to appreciate, respect, and protect the environment will have long-term benefits because children are the next generation of environmental stewards;

Whereas greater exposure to nature through outdoor learning and play is recognized as essential to the physical, emotional, and mental development and health of children;

Whereas gardening exposes children to the outdoors while increasing their knowledge of plant cultivation and soil ecosystems;

Whereas research has shown that gardening positively impacts not only environmental attitudes, but also nutritional attitudes, interpersonal skills, and self-esteem; and

Whereas the National Gardening Association recognizes April as National Garden Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that schools throughout the United States should celebrate National Garden Month through a curriculum that includes outdoor learning through gardening.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

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GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 292 into the RECORD.

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

There was no objection.

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

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

H. Res. 292 expresses the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning.

I would like to thank my colleague, the gentlewoman from Ohio, Representative PRYCE, for bringing this resolution to the floor.

Mr. Speaker, the importance of getting children outside and involving them with the environment is critical to the survival of our planet, and this bill takes the first step in that direction. National Garden Month will introduce children, particularly children from the city, such as Brooklyn, where I represent, who would not be exposed to the outdoors an opportunity to involve themselves in gardening and the outdoors.

This resolution is a small step in helping to further our survival. I urge my colleagues to support the environment by supporting this bill.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield as much time as she may consume to the gentlelady from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. I thank the gentleman, my friend Mr. WILSON, for yielding me this time.

Mr. Speaker, I rise today in support of H. Res. 292, legislation I introduced to encourage schools to celebrate National Garden Month by including outdoor learning in their curriculum.

Mr. Speaker, I want to make special thanks to my friend, the gentlewoman from New York (Mrs. MCCARTHY) for cosponsoring this bill and helping me get it to the floor.

Mr. Speaker, the National Garden Association has designated April as National Gardening Month, during which people across the Nation take out time from their busy schedules to plant seeds and bulbs and trees to beautify their lawns and gardens and, ultimately, the communities in which they live. However, this annual ritual does more than just enrich the aesthetics of people's yards. Research has shown that gardening positively impacts environmental attitudes, interpersonal skills, self-esteem and even nutritional attitudes. That is why it is important that we expose our children, especially school-age children, to the benefits of nature and gardening through outdoor learning.

April is a fitting month for consideration of this measure as we celebrate both Earth Day, and in many States, Arbor Day. With conservation and environmental stewardship in the air, we should seize this opportunity to encourage children all across America to

step away from their televisions and turn off their X-Boxes, get outside, get some fresh air, and become the young scientists in the living laboratory that is all around us.

More so than any one generation before it, children today are instilled with the values of environmentalism and conservation. H. Res. 292 builds upon and nurtures this value system and serves as a win-win for all.

With the long-term health of our environment becoming an increasingly hot topic, it is imperative that we teach our children to appreciate, respect and protect our environment. While doing so, it improves and beautifies the planet around us. It also is essential to the physical, emotional and mental development of our children. The practice of gardening has proven to improve landscapes and environmental health, nutrition and personal health and family and community bonds. This bill will introduce more children than ever to gardening and horticulture.

For a more beautiful America, and for healthier and happier children, I urge my colleagues to support this resolution.

Ms. CLARKE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), Chair of the Subcommittee of Healthy Families and Communities of the Education and Labor Committee.

Mrs. MCCARTHY of New York. Thank you for yielding.

I want to thank my good colleague, DEBORAH PRYCE, for working on this bill and introducing the bill. I want to certainly thank my colleague on the Education Committee, Representative CLARKE from New York, also, for managing the bill.

Mr. Speaker, I rise in support of H.Resolution 292. It is important for our schoolchildren to learn outside the classroom.

I am personally a gardener, and I hope that someday I'm actually going to become a master gardener. I also know that bringing my grandchildren into the garden and showing them, number one, how to grow things, and also the whole life of bugs, I know a lot of people might get a little squeamish about that, but to learn the science and to watch a praying mantis and to watch how they live and how the birds and the gardens work together, it is teaching our young children the wonders of the world. It also gets them interested in science. This world is a very complex place.

It is also extremely good for your mental health. I know that certainly with this job here, and all the years that I worked as a nurse, the first thing I went to was my garden when I got home. Just to put your hands in the soil, it gives you an immediate release of the tension that you might feel. So it is an activity that we are seeing more and more young people getting involved in.

I am happy to say that many of my schools on Long Island have gardens going around the school, number one, to beautify it, but also to teach the children how important gardening is. And growing vegetables. We find that children that grow their own vegetables actually enjoy eating vegetables a little bit more.

I certainly want my colleagues to vote for this. It is a good bill, and it is a good awareness for our young people.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 292, expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning through gardening.

I appreciate the leadership of its lead sponsor, Congresswoman DEBORAH PRYCE of Ohio.

Around the Nation, more and more schools and youth groups are becoming savvy to the ecological and educational benefits of building gardens. It gives students another reason to get outdoors and use their knowledge and academic skills to solve a real world problem.

Gardening offers active and engaging connections to academics from science and math to nutrition and literacy. Educators will tell you students retain information better when they design experiments, use more than one style of learning, and share their newfound knowledge with others.

Additionally, gardening benefits children's health and well-being, as well as their attitudes toward the environment. Indeed, gardening benefits the whole child. It captivates children's interests, teaches them nurturing skills, and gives them a sense of pride in their accomplishments. It introduces them to healthful foods and provides a way to improve and give back to the community.

I grew up with an appreciation of gardening in that my mother, Wray G. Wilson, was the garden editor of the Charleston News and Courier, where she encouraged the establishment of a municipal parks department for America's most historic city, with the leadership of Mayor J. Palmer Gailliard, Jr. Additionally, my two youngest sons, Julian and Hunter, have developed an appreciation of gardening, the environment and conservation by attending Camp Wildwood, sponsored by the South Carolina Department of Natural Resources and the Garden Clubs of South Carolina. I am grateful to Brad Taylor and Steve Bates for their enthusiastic coordination of Camp Wildwood.

For these reasons, Mr. Speaker, I am honored to join my friends, Congresswoman PRYCE, Congresswoman CLARKE, Congresswoman MCCARTHY and students across the Nation in celebrating National Gardening Month, and ask my colleagues to support this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 292.

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

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING 2007 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 320) congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 320

Whereas, on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women's basketball team (the ''Lady Vols'') defeated the Scarlet Knights of Rutgers by a score of 59–46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the first national title for the Lady Vols since their 3-year championship run in 1996–98, and their 7th national title in the last 20 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's all-time winningest NCAA basketball coach (men's or women's) with 947 wins over 33 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director, has shown vision and leadership throughout her 24-year career at the University of Tennessee and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols were undefeated in conference games during the 2006–2007 season and compiled an impressive overall record of 34 wins and 3 losses;

Whereas Candace Parker tallied 17 points, 7 rebounds, and 3 assists and was selected the Most Outstanding Player for the 2007 tournament, becoming the 5th Lady Volunteer to be so honored, following in the footsteps of Chamique Holdsclaw (1998, 1997), Michelle Marciniak (1996), Bridgette Gordon (1989), and Tonya Edwards (1987);

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the smallest player ever at the University of Tennessee, scored 3 decisive 3-pointers in the 2nd half, finished the game with 13 points, and was named to the 2007 All-Tournament Team;

Whereas Nicky Anosike had a career high of 16 rebounds and was named to the 2007 All-Tournament team;

Whereas senior Sidney Spencer scored 11 points and Alberta Auguste scored 10 points, with both players achieving a combined 6 for 6 from the free throw line;

Whereas Alexis Hornbuckle played outstanding defense and created energy on the court;

Whereas Dominique Redding and Alex Fuller also contributed to the team's victory;

Whereas the 2006–2007 team has an average GPA above 3.0; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 320 into the RECORD.

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

There was no objection.

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

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

H. Res. 320 congratulates the University of Tennessee women's basketball team for winning the 2007 NCAA Division I women's basketball championship.

I would like to thank my colleague, the gentleman from Tennessee, Representative DUNCAN, for bringing this resolution to the floor.

In recognition of the accomplishments of the Tennessee women's basketball team for winning the 2001 NCAA Division I championship, we need only reflect back to the year 1972, when in this body title VIII, also known as the Pepsi Teammate Equal Opportunity and Education Act, was enacted. Title VIII has demonstrated significant impact on high school and collegiate athletics. As a result, women nationwide have had the opportunity to engage in extracurricular activities enriching their collegiate experience. As well, as a result, we are here today to recognize the victory of the Tennessee women's basketball team 2007 NCAA Division I champions.

I urge my colleagues to support this resolution and demonstrate our commitment to girls and women's athletics.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), who has ably developed this resolution.

Mr. DUNCAN. I thank the gentleman from South Carolina for yielding me this time, and I thank the gentlelady from New York for her support for this resolution.

Mr. Speaker, I have the privilege and honor of representing Knoxville and the surrounding area, which is the home of the main campus of the University of Tennessee and the home of the great basketball team, the Tennessee Lady Vols.

I have sometimes said, Mr. Speaker, that the colors orange and white are almost as patriot or more patriotic in my district than red, white and blue. And I also have said that oftentimes it appears that the biggest thing in my district is Tennessee football and Tennessee women's basketball, although Tennessee men's basketball is coming back under the leadership of our great new coach, Coach Bruce Pearl. But we are especially proud of our Lady Vols basketball coach, Ms. Pat Head Summitt. Under Coach Summitt, Tennessee women's basketball sometimes frequently had crowds of two and three times the number of fans that the men's basketball team would draw, sometimes drawing crowds as large as 24,000, 25,000 people. Pat Summitt is the NCAA's winningest coach, man or woman, in Division I, and has posted an overall record of 947 wins against only 180 losses, a phenomenal winning percentage of 84 percent.

Her 2007 NCAA title was the seventh in her 33-year career at Tennessee. She also captured NCAA titles or led the Lady Vols to NCAA championship titles in 1987, 1989, 1991, 1996, 1997 and 1998, as well as this year. She trails only UCLA's legendary John Wooden for the most lifetime NCAA titles. Coach Wooden captured 10 during his tenure.

She was named SEC Coach of the Year in 1993, 1995, 1998, 2001, 2003, 2004, and 2007. She was the NCAA women's Coach of the Year an unbelievable number of times, in 1983, 1987, 1989, 1994, 1995, 1998 and 2004.

□ 1315

She was named the Naismith Coach of the Century in the year 2000. I want to congratulate Pat Head Summitt and her assistant head coach Holly Warlick who has been with her through most of those years, and also assistants Nikki Caldwell and Dean Lockwood.

The 2007 Lady Vols compiled a 27–2 regular season record, a 14–0 SEC record, a 34–3 allover record including the SEC and NCAA tournaments.

On April 3, 2007, before a crowd of over 20,000 fans, the Lady Vols beat the Scarlet Knights of Rutgers by a score of 59–46.

Mr. Speaker, all of the players on the Lady Vols have grade point averages over 3.0. Coach Summitt, in her 33 years of coaching, has had an astounding record of a 100 percent graduation rate. And she won't even let her young women take easy courses. It is an amazing record that no other coach in the country can match.

I want to commend Candace Parker, the most outstanding player of the 2007 NCAA tournament, and the starting lineup of Shannon Bobbitt, Nicky Anosike, Sidney Spencer, Alexis Hornbuckle; Sidney Spencer, the only senior on the team; and certainly the key bench players like Dominique Redding, Alberta Auguste, Alex Fuller, and Cait McMahan from my own district in Maryville, Tennessee.

I want to also thank all of the members of the Tennessee delegation for cosponsoring this resolution with me, as well as 22 other bipartisan cosponsors from across this country, from California to West Virginia and South Carolina to Pennsylvania.

I appreciate the nationwide support this resolution has.

Ms. CLARKE. Mr. Speaker, I am pleased to yield as much time as he may consume to the distinguished chairman of the Subcommittee on Health, Education, Labor, and Pensions of the Education and Labor Committee, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend from New York for yielding to me.

Mr. Speaker, I congratulate the outstanding athletes of the Lady Vols of the University of Tennessee for being outstanding students, outstanding athletes, and great representatives of their university in this country.

I must say, coming from New Jersey, as far as we were concerned, there were two champions playing in this championship game that took place. The Lady Vols won a decisive victory fair and square on the court, although those of us that are fans of Rutgers say we will be back next year to challenge again.

But I was in the chair when the Rutgers resolution passed last week, and I did not want to let this moment pass without adding my voice to acknowledge the championship quality of the young women on both of these teams. In New Jersey, we are particularly proud of the grace and dignity and class shown by the young women of the Rutgers Scarlet Knights basketball team. We think those characteristics are amply shared by the Lady Vols as well, and I just wanted to add my voice

of congratulations as the runner-up to the Lady Vols. But we believe that our young ladies, Mr. Speaker, from Rutgers are champions in every sense of the word.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from South Carolina and my colleague from Tennessee for his work on the resolution, and I thank Mr. ANDREWS for his kind remarks. And, yes, we think the Scarlet Knights as we honored them last week did a wonderful job.

But I will have to tell you, Mr. Speaker, we were so thrilled with our Tennessee Lady Vols, and we did like that score of 59–46. We thought that was very good. We liked the fact that our Lady Vols captured their seventh title in 20 years, and it was the first NCAA championship since they won three straight titles, as my colleague from Knoxville mentioned, there in 1996, 1997, 1998.

He mentioned also their coach, Pat Head Summitt, and mentioned that she is the NCAA's all-time winningest coach, male or female. She is given to leadership and she is given to mentoring and role modeling. That is why she has totaled up 947 victories, and she is still counting because she is still out there.

And we accept that challenge from those at Rutgers. We know they are coming back next year, but so are we, and we know that Coach Summitt is going to be out there. And, again, we expect that they will dominate not only the SEC but the NCAA.

And, as always, the Lady Vols accomplished their goal with the dignity befitting one of college basketball's most celebrated programs. Yet their on-the-court exploits pale in comparison to the fact that the Lady Vols continue to set a standard for Division I college sports in the classroom. Coach Summitt and her staff demand the best, and that attitude is reflected in the championship team's 3.0 grade point average, and the program's remarkable graduate rate that has spurred every student who has completed her eligibility at the university to either graduate or continue working toward requirements for graduation. Basketball excellence deserves our applause, but a commitment to academic excellence and the pursuit of a young student athlete's college degree and their leadership and professional development deserves our celebration.

I do congratulate the Lady Vols, Coach Summitt, and the entire University of Tennessee family for their tremendous achievements.

Ms. CLARKE. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I am proud to join my colleagues from Tennessee and across the country who are honoring the Lady Vols for their terrific performance in the recent basketball tournament. We also want to honor, of course, the Scarlet Knights from Rutgers, all the teams that participated in this wonderful tournament and did a wonderful job; but particularly from Tennessee, we want to honor the Lady Vols, and their incredible coach, Pat Head Summitt.

I have the honor of representing part of Cheatham County, and Pat Summitt claims that as her home, and we are very proud that she is from there as the winningest coach in NCAA history.

So everything that should be said I think has been said. I would just like to associate myself with the remarks because Tennesseans and all Americans, I think, are proud of the performance of the Lady Vols.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding and for this moment for us to come and celebrate the Lady Vols' victory of the national championship.

Mr. Speaker, two of my favorite things in life, as people know who know me, are the game of basketball and the Tennessee Volunteers. In 3 months, I will have a son who is a junior at the University of Tennessee, and a daughter who is a freshman, as my son has been there for 2 years, and Kim and I are about to have both of our children as students at the University of Tennessee, and we very much love the school.

I want to speak a moment about the school, because with the HOPE scholarship and the tremendous influx in new students at the University of Tennessee, standards and scores continue to go up. With each and every freshman class, the University of Tennessee becomes a much better, even better institution of higher learning. The quality is very much on the rise, and we are very proud of our school.

But one of the aspects of the University of Tennessee that is so unique is the quality of student athletes that we see there at the University of Tennessee across the spectrum, and then the quality of the athletics that go with those student athletes, from sports like basketball and football, which are nationally well known, but across the spectrum to baseball and swimming and other athletic endeavors. And we are glad that Bruce Pearl is there now as well, and the men's team is sweet 16 and very, very strong. But we are known for ladies' basketball.

The Lady Vols are the best organization in the country for years and years. I won't go back through all the numbers. But, to me, the student athletes represent the very best of the University of Tennessee. We are very, very proud of them. As a Volunteer dad, I am especially proud and look forward to many successful years in the future and a great future for the University of Tennessee.

And I, too, want to pay tribute to Rutgers, a lot of attention, but incredible young women that I have seen on television articulating who they are and how proud they are of who they are, an outstanding coach. And so today we, frankly, come in joint recognition of two great teams, two great schools with great traditions. And you have got to feel good about the future of our country by looking at the Lady Vols and the Scarlet Knights. So congratulations to all.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I rise today to support House Resolution 320, congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I women's basketball championship.

The Lady Vols are an institution statewide with an unmatched record of success. With their 59–46 victory over Rutgers on April 3, the Lady Vols won their unprecedented seventh NCAA national championship.

A quick review of the program's records in the past quarter of a century shows features unmatched in women's basketball history. They have seven national titles, 12 championship game appearances, 17 Final Four appearances, 25 sweet 16 appearances.

Tennessee is the only team that has appeared at all 26 NCAA women's basketball tournaments, and their Hall of Fame coach, Pat Summitt, has been a leader in this program for 33 years. And a record of 947 wins and 180 losses gives her more wins than any coach, men or women, in the history of college basketball. She has been a leader in advancing women's athletics to more of a prominent role, and her winning record is even more impressive when you become aware of the fact that every Lady Vol who has completed her eligibility at Tennessee has received her degree or is in the process of completing her degree.

Her players and staff have always displayed the highest levels of sportsmanship and have been tremendous ambassadors for our university. The national and statewide following enjoyed by the Lady Vols include numerous fans throughout the First Congressional District of Tennessee. Therefore, I am pleased to join my colleagues in supporting this worthy resolution honoring the coaches and players of the Lady Vols.

Mr. WILSON of South Carolina. Mr. Speaker I yield 3 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, it is with great pleasure that I rise today to congratulate the Lady Volunteers of the University of Tennessee on their 59–46 victory over

Rutgers University to clinch the 2007 NCAA Division I women's basketball championship. But I am sure you are wondering why a Member from Illinois would rise to discuss a team from Tennessee.

Mr. Speaker, it is to congratulate not only this team but one of its key players, Candace Parker. Candace grew up in the district that I represent, the 13th District of Illinois, and once again she is doing great things. I first got to know Candace when she led the Naperville Central High School Red Hawks to a State basketball title in 2003, a feat that they repeated in 2004.

During her high school years, she was honored with both the Naismith and Gatorade National Players of the Year Awards. Candace followed Marianne Jones and LeBron James as only the third high school athlete in any sport to win the Gatorade National Player of the Year in back-to-back seasons, and is the first girls' basketball player to achieve this distinction.

During her first year at Tennessee, she was forced to take a medical red shirt at Tennessee where she underwent surgery to repair her torn ACL. During her time away from basketball, Candace was continuing to make headlines, but this time in the academic area. She earned a spot on the Lady Volunteers' honor roll, and was named to the Southeastern Conference All-Academic Freshman Team. She returned to the court for the 2005–2006 season without missing a beat. She was the only player on the team to start every game and led the Lady Vols in scoring and rebounds.

While facing Army in the 2006 NCAA tournament, she became the first female to dunk in a tournament game and the first to do it twice in any game.

□ 1330

That season, Candace was named the 2006 SEC Tournament MVP, the 2006 SEC Freshmen of the Year, and the 2006 SEC Rookie of the Year. Adding to her extensive list of awards this season, she was named the 2007 SEC Player of the Year.

But perhaps her greatest achievement came as she and the Lady Volunteers won the 2007 NCAA Division I women's national basketball championship.

Candace Parker is an outstanding athlete and scholar who has done so many impressive things in her short career. Again, I would like to congratulate her and her fellow Lady Volunteers for winning. All of Illinois, and especially the residents of the 13th Congressional District, are proud of Candace and wish her continued success in her endeavors.

I look forward to watching Candace and her teammates defend their title next season, perhaps against a team from Illinois.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today to commend the Lady Vols on winning the 2007 national women's basketball championship.

You are probably wondering why someone from West Virginia is joining in the celebration. That is because Alexis Hornbuckle, a starting guard for the Lady Vols, is a native of West Virginia, and I actually have been privileged throughout the years to watch Alexis play not only with my daughter in AAU, but also since she was an 8-year-old girl she was a phenom on the court and we knew only great things were ahead of her. She is a wonderful student. She played on a four time State championship basketball team in high school. She is from a wonderful West Virginia family, and we join today as West Virginians to say congratulations to UT and congratulations to Alexis.

I would also like to say congratulations to her coach, Pat Summitt. She is a phenomenal coach of young women, and is growing future leaders of America.

Just to show you the quality of Pat Summitt, when she recruited Alexis, when she knew she was going to UT, Pat Summitt came to Alexis' church to meet not only her parents, her friends, but also her church family.

So I say a job well done to the University of Tennessee Lady Vols, and especially to West Virginia's own, Alexis Hornbuckle.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 320 congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I women's basketball championship.

I am happy to join my good friend and colleague, Representative DUNCAN, in honoring this exceptional team and all of its accomplishments, and wish all involved continued success. I ask my colleagues to support this resolution.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 320.

The question was taken.

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

Ms. CLARKE. 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.

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 121) recognizing the benefits and importance of school-based music education, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 121

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

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

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, H. Con. Res. 121, recognizing the benefits and importance of school-based music education, and for other purposes, I would like to thank my colleague, the gentleman from Tennessee (Mr. COOPER), for bringing this resolution to the floor.

One of the basic reasons that every child must have an education in music is that music is a part of the fabric of our society. The intrinsic value of music for each individual is widely recognized in the many cultures that make up American life.

Music helps shape individual abilities and character. Success in society is predicated on success in school. Skills learned through the discipline of music transfer to study skills, communication skills, and the cognitive skills useful in every part of the curriculum.

Participation in music brings countless benefits to every individual throughout life. The benefits may be psychological, spiritual or physical. I ask my colleagues to support this resolution and support the next generation of music lovers.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 121, which highlights the benefits and importance of school-based music education. I would like to thank the gentleman from Tennessee (Mr. COOPER) and the gentleman from Nevada (Mr. PORTER) for their leadership on this issue and for introducing this resolution we are considering today.

Research has shown that students' involvement in their school music program is crucial to a complete education. Musical study develops critical thinking and self-discipline skills and improves a child's early cognitive development, basic math and reading abilities, self-esteem, SAT scores, ability to work in teams, spatial reasoning skills, and school attendance.

In an analysis by the U.S. Department of Education, data on more than 25,000 secondary school students, researchers found that students who report consistent high levels of involvement in instrumental music over the middle and high school years showed significantly higher levels of mathematics proficiency by grade 12 regardless of a student's socioeconomic status.

A 1999 report by the Texas Commission on Drug and Alcohol Abuse found that individuals who participated in band or orchestra reported the lowest levels of current and lifelong use of tobacco, alcohol and illicit drugs. So it is not surprising that children involved with music education are more likely to graduate from high school and attend college and are less likely to be involved with gangs and substance abuse.

In fact, many colleges and universities view participation in the arts and music as a valuable experience that broaden students' understanding and appreciation of the world around them.

For these reasons, I support H. Con. Res. 121. The resolution states it is the sense of Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum, and should be available to every student in every school.

Music education is important to our children. It can broaden and strengthen their education and improve their lives. I join my colleagues in commending music educators and organizations across the country for the key roles they play in helping our students succeed in school and throughout life.

As former President Gerald Ford said, ''Music education opens the doors that help children pass from school into the world around them, a world of work, culture, intellectual activity and human involvement. The future of our Nation depends on providing our children with a complete education that includes music.''

I urge my colleagues to support House Con. Res. 121 and music education in our schools.

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

Ms. CLARKE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Tennessee (Mr. COOPER), the sponsor of the resolution.

Mr. COOPER. Mr. Speaker, I thank the gentlewoman.

I thank my colleagues for supporting this effort to highlight the importance of music education in our schools.

A lot of folks who have had the privilege of a musical education take it for granted, but 30 million or more of our children across this country every day are being deprived of that chance to not only experience the joy of music but, as my colleagues have mentioned, the increased enhanced learning abilities that music offers, and also the ability of music to deter people from gangs and drugs and other undesirable activities.

Music education is a very important part of our education. For anyone who has seen the movie ''Mr. Holland's Opus'' featuring Richard Dreyfuss, that was a wonderful film demonstration of the importance of music in the lives of that particular high school. But it is true of every high school and every middle school and every elementary school across our country.

Whether it is band or orchestra, or whether it is students on their own learning the guitar or other instruments, it is a wonderful way to not only enjoy life but to enhance your skills.

Mr. Speaker, I represent Nashville, Tennessee, which is Music City U.S.A. We have some of the most talented and creative musicians on the planet, and they happen to choose to live in our wonderful city.

You can't tell it by driving down the streets, but there are some 3,000 private recording studios in the basements and attics of people's homes as they put their music and their thoughts on tape for the pleasure and enjoyment and the education of the world.

Mr. Speaker, I appreciate your help in allowing this measure to be brought to the floor. It has passed the House on two previous Congresses. We are hoping that this time the Senate will also see fit to do the right thing and pass this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 121.

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

A motion to reconsider was laid on the table.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 493

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 ''Genetic Information Nondiscrimination Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Guarantee agency collection retention.
Sec. 302. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These

advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic ''defects'' such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to ''correct'' apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case Norman-Bloodsaw v. Lawrence Berkeley Laboratory (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(2) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—For purposes of this section, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.''.

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made, in writing, pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 733).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d), and subsection (b)(1) and section 701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 732(a).''.

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

''(5) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

''(A) a dependent (as such term is used for purposes of section 701(f)(2)) of such individual, and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(6) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received

pursuant to participation in clinical research) by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(D) APPLICATION TO FAMILY MEMBERS COVERED UNDER SAME PLAN.—Information described in clause (iii) of subparagraph (A) shall not be treated as genetic information to the extent that such information is taken into account only with respect to the individual in which such disease or disorder is manifested and not as genetic information with respect to any other individual.

''(7) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(8) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(9) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(e) ERISA ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking ''(7), or (8)'' and inserting ''(7), (8), or (9)''; and

(2) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

''(9) SECRETARIAL ENFORCEMENT AUTHORITY RELATING TO USE OF GENETIC INFORMATION.—

''(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

''(B) AMOUNT.—

''(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

''(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

''(I) beginning on the date such failure first occurs; and

''(II) ending on the date the failure is corrected.

''(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

''(i) IN GENERAL.—In the case of 1 or more failures with respect to a participant or beneficiary—

''(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

''(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such participant or beneficiary shall not be less than $2,500.

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

''(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

''(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) such failure was due to reasonable cause and not to willful neglect; and

''(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

''(I) 10 percent of the aggregate amount paid or incurred by the plan sponsor (or predecessor plan sponsor) during the preceding taxable year for group health plans; or

''(II) $500,000.

''(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.

''(F) DEFINITIONS.—Terms used in this paragraph which are defined in section 733 shall have the meanings provided such terms in such section.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of Labor shall issue final regulations not later than 1 year after the date of enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this Act.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(B) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.''.

(2) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is

conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c) , and (d) and subsection (b)(1) and section 2701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 2721(a).''.

(3) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

''(15) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

''(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(16) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(D) APPLICATION TO FAMILY MEMBERS COVERED UNDER SAME PLAN.—Information described in clause (iii) of subparagraph (A) shall not be treated as genetic information to the extent that such information is taken into account only with respect to the individual in which such disease or disorder is manifested and not as genetic information with respect to any other individual.

''(17) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(18) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(19) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(5) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg–22(b)) is amended by adding at the end the following:

''(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

''(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the succeeding subparagraphs of this paragraph shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 2702 or section 2701 or 2702(b)(1) with respect to genetic information in connection with the plan.

''(B) AMOUNT.—

''(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

''(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

''(I) beginning on the date such failure first occurs; and

''(II) ending on the date the failure is corrected.

''(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

''(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

''(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

''(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

''(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

''(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) such failure was due to reasonable cause and not to willful neglect; and

''(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

''(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

''(II) $500,000.

''(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.''.

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

''(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information.

''(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual.

''(c) PROHIBITION ON GENETIC INFORMATION AS PREEXISTING CONDITION.—A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of genetic information, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.

''(d) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a health insurance issuer offering health insurance coverage in the individual market from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a) and (c).

''(B) LIMITATION.—For purposes of subparagraph (A), a health insurance issuer offering health insurance coverage in the individual market may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(e) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a health insurance issuer offering health insurance coverage in the individual market obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg–61(b)) is amended to read as follows:

''(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.''.

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking ''If the plan sponsor'' and inserting ''Except as provided in subparagraph (D), if the plan sponsor''; and

(2) by adding at the end the following:

''(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (b)(3), (c), and (d) of section 2702 and the provisions of sections 2701 and 2702(b) to the extent that such provisions apply to genetic information.''.

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 18 months after the date of enactment of this Act; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 18 months after the date of enactment of this Act.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Subsection (b) of section 9802 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(2) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—For purposes of this section, a group health plan may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.''.

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 9802 of such Code is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following new subsections:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan may not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan notifies the Secretary in writing that the plan is conducting activities pursuant to the exception provided for under

this paragraph, including a description of the activities conducted.

''(E) The plan complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 9832).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 9801 with respect to genetic information, shall apply to group health plans without regard to section 9831(a)(2).''.

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this chapter to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(d) DEFINITIONS.—Subsection (d) of section 9832 of such Code is amended by adding at the end the following:

''(6) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

''(A) a dependent (as such term is used for purposes of section 9801(f)(2)) of such individual, and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(7) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(D) APPLICATION TO FAMILY MEMBERS COVERED UNDER SAME PLAN.—Information described in clause (iii) of subparagraph (A) shall not be treated as genetic information to the extent that such information is taken into account only with respect to the individual in which such disease or disorder is manifested and not as genetic information with respect to any other individual.

''(8) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes, or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(9) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(10) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan ,or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Subchapter C of chapter 100 of the Internal Revenue Code of 1986 (relating to general provisions) is amended by adding at the end the following new section:

''SEC. 9834. ENFORCEMENT.

''For the imposition of tax on any failure of a group health plan to meet the requirements of this chapter, see section 4980D.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 100 of such Code is amended by adding at the end the following new item:

''Sec. 9834. Enforcement.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of the Treasury shall issue final regulations or other guidance not later than 1 year after the date of the enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of the enactment of this Act.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

''(E) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.''.

(b) LIMITATIONS ON GENETIC TESTING AND GENETIC INFORMATION.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

''(x) LIMITATIONS ON GENETIC TESTING AND INFORMATION.—

''(1) GENETIC TESTING.—

''(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(C) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(i) IN GENERAL.—Nothing in subparagraph (A) shall be construed to preclude an issuer of a medicare supplemental policy from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (s)(2)(E).

''(ii) LIMITATION.—For purposes of clause (i), an issuer of a medicare supplemental policy may request only the minimum amount of information necessary to accomplish the intended purpose.

''(D) RESEARCH EXCEPTION.—Notwithstanding subparagraph (A), an issuer of a medicare supplemental policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

''(i) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(ii) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

''(I) compliance with the request is voluntary; and

''(II) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(iii) No genetic information collected or acquired under this subparagraph shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rating, or the creation, renewal, or replacement of a plan, contract, or coverage for health insurance or health benefits.

''(iv) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subparagraph, including a description of the activities conducted.

''(v) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph.

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(A) IN GENERAL.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information for

underwriting purposes (as defined in paragraph (3)).

''(B) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

''(C) INCIDENTAL COLLECTION.—If an issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subparagraph (B) if such request, requirement, or purchase is not in violation of subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

''(B) GENETIC INFORMATION.—

''(i) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(I) such individual's genetic tests,

''(II) the genetic tests of family members of such individual, and

''(III) subject to clause (iv), the manifestation of a disease or disorder in family members of such individual.

''(ii) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

''(iii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(C) GENETIC TEST.—

''(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

''(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(D) GENETIC SERVICES.—The term 'genetic services' means—

''(i) a genetic test;

''(ii) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(iii) genetic education.

''(E) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a medicare supplemental policy—

''(i) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

''(ii) the computation of premium or contribution amounts under the policy;

''(iii) the application of any pre-existing condition exclusion under the policy; and

''(iv) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

''(F) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.''.

(2) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Section 1882(x) of such Act, as added by paragraph (1), is further amended by adding at the end the following:

''(4) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

''(A) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(B) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(3) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

''(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (x).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 18 months after the date of enactment of this Act.

(d) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2008, the National Association of Insurance Commissioners (in this subsection referred to as the ''NAIC'') modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2008, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2008.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2008 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2008. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) IN GENERAL.—Part C of title XI of the Social Security Act is amended by adding at the end the following new section:

''APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

''SEC. 1180. (a) IN GENERAL.—The Secretary shall revise the HIPAA privacy regulation (as defined in subsection (b)) so it is consistent with the following:

''(1) Genetic information shall be treated as health information described in section 1171(4)(B).

''(2) The use or disclosure by a covered entity that is a group health plan, health insurance issuer that issues health insurance coverage, or issuer of a medicare supplemental policy of protected health information that is genetic information about an individual for underwriting purposes under the group health plan, health insurance coverage, or medicare supplemental policy shall not be a permitted use or disclosure.

''(b) DEFINITIONS.—For purposes of this section:

''(1) GENETIC INFORMATION; GENETIC TEST; FAMILY MEMBER.—The terms 'genetic information', 'genetic test', and 'family member' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by the Genetic Information Nondiscrimination Act of 2007.

''(2) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; MEDICARE SUPPLEMENTAL POLICY.—The terms 'group health plan' and 'health insurance coverage' have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and the term 'medicare supplemental policy' has the meaning given such term in section 1882(g).

''(3) HIPAA PRIVACY REGULATION.—The term 'HIPAA privacy regulation' means the regulations promulgated by the Secretary under this part and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(4) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a group health plan, health insurance coverage, or a medicare supplemental policy—

''(A) rules for eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy;

''(B) the computation of premium or contribution amounts under the plan, coverage, or policy;

''(C) the application of any pre-existing condition exclusion under the plan, coverage, or policy; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

''(c) PROCEDURE.—The revisions under subsection (a) shall be made by notice in the Federal Register published not later than 60 days after the date of the enactment of this section and shall be effective upon publication, without opportunity for any prior public comment, but may be revised, consistent with this section, after opportunity for public comment.

''(d) ENFORCEMENT.—In addition to any other sanctions or remedies that may be available under law, a covered entity that is a group health plan, health insurance issuer, or issuer of a medicare supplemental policy and that violates the HIPAA privacy regulation (as revised under subsection (a) or otherwise) with respect to the use or disclosure

of genetic information shall be subject to the penalties described in sections 1176 and 1177 in the same manner and to the same extent that such penalties apply to violations of this part.''.

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the revision required by section 1180(a) of the Social Security Act, as added by subsection (a). The Secretary has the sole authority to promulgate such regulations, but shall promulgate such regulations in consultation with the Secretaries of Labor and the Treasury.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date of the enactment of this Act.

SEC. 106. ASSURING COORDINATION.

Except as provided in section 105(b)(1), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term ''employee'' means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term ''employer'' means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms ''employment agency'' and ''labor organization'' have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term ''member'', with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual—

(A) a dependent (as such term is used for purposes of section 701(f)(2) of the Employee Retirement Income Security Act of 1974) of such individual, and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—The term ''genetic information'' means, with respect to any individual, information about—

(i) such individual's genetic tests,

(ii) the genetic tests of family members of such individual, and

(iii) subject to subparagraph (D), the manifestation of a disease or disorder in family members of such individual.

(B) INCLUSION OF GENETIC SERVICES.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services (including genetic services received pursuant to participation in clinical research) by such individual or any family member of such individual.

(C) EXCLUSIONS.—The term ''genetic information'' shall not include information about the sex or age of any individual.

(5) GENETIC MONITORING.—The term ''genetic monitoring'' means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term ''genetic services'' means—

(A) a genetic test;

(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term ''genetic test'' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTIONS.—The term ''genetic test'' does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a bona fide wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, includes such analysis in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's employees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual;

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member; or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a bona fide wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, includes such analysis in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's apprentices or trainees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member, such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member. An employer, employment agency, labor organization, or joint labor-management committee shall be considered to be in compliance with the maintenance of information requirements of this subsection with respect to genetic information subject to this subsection that is maintained with and treated as a confidential medical record under section 102(d)(3)(B) of the Americans With Disabilities Act (42 U.S.C. 12112(d)(3)(B)).

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

(1) to the employee or member of a labor organization (or family member if the family member is receiving the genetic services) at the written request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall inform the employee or member of the court order and any genetic information that was disclosed pursuant to such order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation; or

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws.

(c) RELATIONSHIP TO HIPAA REGULATIONS.—With respect to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), this title does not prohibit a covered entity under such regulations from any use or disclosure of health information that is authorized for the covered entity under such regulations. The previous sentence does not affect the authority of such Secretary to modify such regulations.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(f) DEFINITION.—In this section, the term ''Commission'' means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, ''disparate impact'', as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the ''Commission'') to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee the enforcement of which, or penalties for which, are provided under the amendments made by title I;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

(b) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this title to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. GUARANTEE AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(6)(A)) is amended to read as follows:

''(ii) an amount equal to 23 percent of such payments for use in accordance with section 422B, except that beginning October 1, 2007, and ending September 30, 2008, this subparagraph shall be applied by substituting '22 percent' for '23 percent'.''.

SEC. 302. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may insert material relevant to H.R. 493 in the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased that the House will take up H.R. 493, the Genetic Information Nondiscrimination Act of 2007.

This legislation is sponsored by two of my distinguished colleagues, Congresswoman LOUISE SLAUGHTER, who has been waiting 10 years to debate this bill on the floor of the House of Representatives, and Congresswoman JUDY BIGGERT, who has been a member of the committee which I chair, the Committee on Education and Labor, and I commend the sponsors for their hard work and for their perseverance.

This bill is long overdue. The Human Genome Project started the revolution in science and medicine nearly 20 years ago by identifying the specific chromosomes within the genes that make up the human body. Once the scientists identified and understood these genetic building blocks, they developed tests that identified genetic markers for diseases that could, but may never, occur.

We understand that this scientific revolution can and will save lives. It can save children from devastating illnesses, and once these tests and treatments become more widely available, they will help us live longer lives with less debilitating diseases.

The key to unlocking this scientific revolution is to assure individuals of genetic privacy and nondiscrimination when they undergo genetic testing and counseling. Many Americans already forgo testing for fear of losing their jobs and their health insurance. In a 2003 National Institutes of Health study, 39 percent of the individuals surveyed cited fear of losing their health insurance as the most distressing issues related to genetic testing.

□ 1345

There is a clear need for us to pass this law to protect genetic information from discriminatory uses. We all suffer if fears of lost jobs or health insurance stifle these scientific advances.

That is why 41 States have passed laws to prohibit discrimination in the individual health insurance market.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY), a member of the Education and Labor Committee.

Mr. BOUSTANY. Mr. Speaker, I rise in support of this legislation, and while I do not by any means think it is a perfect bill, I do believe it contains a number of important improvements over prior versions of the legislation. More importantly, it marks a commitment by this Congress to ensure that the law of the United States protects American workers and health care consumers from discrimination on the basis of their genetic makeup. Because that goal is so critical, I will vote for this bill today, and I urge my colleagues to do likewise.

I would like to commend my colleagues, and fellow member on the Committee on Education and Labor, Representative JUDY BIGGERT, and Congresswoman LOUISE SLAUGHTER for their tremendous work and years of dedication on this important issue. Both of you have been persistent and effective on so many issues that have come before this committee and this Congress. Both should be commended for adding this important bill to your list of legislative accomplishments.

As was noted during our committee's consideration of this bill, I believe that the title of the legislation before us, the Genetic Information Nondiscrimination Act, embodies a proposition that all members of our committee and, indeed, all Members of this Congress should endorse. Simply put, no employee should face discrimination on the basis of genetic makeup or on any characteristic other than the ability to do the job. Similarly, no employee should risk his or her health insurance status simply because of the possibility that they may someday develop an illness.

This bill was drafted with those fundamental principles in mind, and I believe that through the legislative process we have taken steps toward ensuring that the bill we pass fulfills those principles, while minimizing the potential for unintended consequences.

I would like to point out a number of improvements in the bill that I think merit attention.

I am pleased that the bill before us today embodies the same logic as a past executive order issued by President Clinton to ensure that this legislation would not inadvertently serve as a broad, new Federal mandate requiring all insurance plans and employers to cover all treatments related to genetic-related conditions. That is exactly the type of unintended consequence we were seeking to avoid, and I am pleased that we were able to work this out.

Second, I would like to highlight a provision in the legislation that ensures that employers, who are currently subject to a number of confidentiality and recordkeeping requirements under law, are not burdened by yet another redundant set of paperwork requirements. The bill before us today provides that with respect to genetic information, if an employer maintains employee records and treats them as it does confidential medical records under the Americans with Disabilities Act, it is in compliance with this new genetics law.

Third, I applaud a significant improvement in the bill, and namely, its extension of genetic nondiscrimination protection to all Americans. One of the issues raised during our committee's consideration of the bill was concern that the bill's protections did not adequately extend to cover children in utero or at early stages of development or in connection with in vitro fertilization and other technologies. I am very pleased that the final bill before us addresses these issues to the satisfaction of all Members on both sides of the aisle who have worked in good faith to ensure the broadest protection possible.

The bill contains a number of other improvements over prior versions, representing issues we were able to work through over the past couple of months and which demonstrate how the committee process is truly meant to work. We were presented with well-intentioned legislation, heard meaningful testimony on it and its potential impact on employers and employees

alike, raised and debated legitimate concerns, and worked together to bridge the gap between where we began and where we stand today. I thank the staff on both sides of the aisle for making this a reality.

I would be remiss if I did not point out concerns I have with the bill and express my hope that as the legislative process continues, and if and when the provisions of this bill are administered, we give due weight to these concerns.

I remain concerned that the bill's penalty provisions are overbroad and will potentially subject employers to punitive damages for simple paperwork violations. I am equally concerned that the bill we pass today will not set a single national standard, but still leave employers subject to a patchwork of varying requirements on a State-by-State basis. And finally, I think the bill would be significantly improved if we made clear that employers would not be held liable for the acquisition and use of genetic information where such use was required or justified by business necessity.

As we send this bill to the United States Senate for consideration, I would urge my colleagues in that body to take up and address these issues. Beyond that, as courts and administrative agencies interpret and enforce these laws, I would urge them to heed the intent of Congress; namely, that this bill's most egregious penalties must be reserved for the most egregious violations of the law, and that our intent is not to ensnare employers acting in good faith in a legal web of penalties and damages.

As I noted at the outset of my remarks, our actions today will ensure that the law of the United States protects American workers and health care consumers from discrimination on the basis of their genetic makeup, a goal I think that is shared by every Member of this House. I urge my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), the Chair of the Rules Committee of the House, who has worked on this legislation for a very long time, without whose persistence with this bill we would not be here on the floor.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding, and I thank my partner, Mrs. BIGGERT, also for the hard work she has done. It has taken us collectively 12 years to get to this point, and I want to say at the outset we are not talking about some population of people who might have bad genes. We are talking about us, because every one of us has bad genes, between 30 and 40. So this protection goes not just to some employee somewhere, but all of us and the people we love.

It is with great pride that I rise today. As a matter of fact, I could not stop smiling all day. With the passage of this bill, we are going to stand up for the future health of our citizens and one of medicine's most promising fields, genetic research.

It is almost heartbreaking to me to think that we are 10 years behind in genetic research and the people we could have helped up to now, but it is the culmination of a bipartisan effort to prevent the improper use of genetic information in the workforce and insurance decisions.

It is no longer simply the work of science fiction writers.

There have been many instances of genetic discrimination, from a woman who was fired after a genetic test revealed her risk for lung disorder, to a social worker who, despite outstanding performance reviews, was dismissed because some member of her family had Huntington's disease.

Consider the case of Heidi Williams, an individual diagnosed with alpha-1 antitrypsin deficiency. In 2004, she testified that a large health insurance company had denied coverage for her two children because they were carriers for the disease.

GINA will make these discriminatory practices illegal by prohibiting health insurers from denying coverage or charging higher premiums to a healthy individual because of a genetic predisposition, which means you may never get the disease, might happen.

GINA also bars employers from using genetic information for hiring, firing, job placement or promotion decisions.

In the 12 years since I first introduced this legislation, the need for it has grown rapidly. Scientific research has advanced so quickly that we cannot possibly afford to wait any longer.

It offers immense potential for early treatment and prevention of numerous diseases.

Since the sequencing of the human genome was completed in 2003, researchers have identified genetic markers for a wide variety of health conditions, and new progress is being made every day.

Fifteen percent of all cancers are found to have an inherited susceptibility. Ten percent of adult chronic diseases, heart disease and diabetes, America's top killers, have a genetic component.

Already, over 15,500 recognized genetic disorders affect 13 million Americans, and each and every one of us, as I said before, and it is so important for you to know this, each and every one of us is in that category of carrying between 5 and 50 bad genes, or predicted genes. They may not be so bad.

That is exactly why this bill is so important to all of us, not just those with recognized disorders. There is not a single person on the planet that has perfect genes. Every one of us, and let me make that clear again, are all vulnerable to genetic discrimination.

To give you an idea of the potential that exists from this research, consider that a genetic test can tell a woman with a family history of breast cancer if she has the genetic mutation that can cause it, long before the cancer might develop.

For these exciting scientific advances to continue, for the potential of this technology to be realized, we have to make genetic testing something commonplace rather than something that is feared and kept secret.

But sadly, the threat of genetic discrimination and the fear of being passed over for promotion, forced to pay more for health insurance, or even denied coverage, men and women are much less likely to be tested and to take advantage of that potentially life-saving information.

Most importantly, if individuals do not participate in the clinical trials, we will never be able to reap the great benefits of this genetic technology.

In a 2006 Cogent Research poll, 66 percent of respondents said they were concerned about how their genetic information would be stored and who would have access to it.

I want to thank everybody, first Dr. Collins who sequenced the human genome and testified before Congress at least 12 times, and I cannot imagine anybody would be not be moved by his testimony. He is here with us today.

I want to thank all the committee members, certainly Mrs. BIGGERT who has worked so hard, and her staff; and the three committees who have jurisdiction here who have done so much for us. Mr. MILLER, the first thing I think in January he told me this bill was coming to the floor.

I want to thank Congresswoman ESHOO for her untiring effort to help bring this, and certainly the member of my staff who has worked so hard.

It is a great day. You may not realize it but it also just turns out to be DNA Day. What a wonderful way to celebrate it.

Seventy-two percent agreed that the government should establish laws and regulations to protect the privacy of individuals' genetic information. And 85 percent said that without amending current law, employers would use this information to discriminate.

Before I close, I want to reiterate the broad support that this bill enjoys. We have over 220 Democrat and Republican cosponsors behind this bill.

In past Congresses, the Senate has passed this bill twice with unanimous support. And I would like to thank the President who today issued a statement of administration policy in support of the bill.

I want to take a moment to thank the lead Republican cosponsor of this bill, Congresswoman JUDY BIGGERT for her dedication to this bill, along with Congresswoman ANNA ESHOO for being a strong advocate for this bill over the years.

I also want to thank Dr. Francis Collins for his support. His testimonies over the years should have swayed even the firmest unbelievers that genetics has the potential to change our health care system as we know it.

Lastly, I want to thank the advocates from the health and science community. Over 200 organizations including Hadassah support this bill.

GINA will do more than stamp out a new form of discrimination—it will help our country be a leader in a field of scientific research that

holds as much promise as any other in history.

And it will allow us to realize the tremendous potential of genetic research without jeopardizing one of the most fundamental privacies that can be imagined.

Mr. Speaker, today is a momentous day.

And, I urge all my colleagues to support this bill.

Mrs. BIGGERT. Mr. Speaker, I yield myself 3 minutes.

Obviously I rise in strong support of H.R. 493. I think it has been an honor to work with the gentlewoman from New York (Ms. SLAUGHTER) and, I might add, work we did.

When the Human Genome Project was completed in 2003, the House of Representatives recognized it as ''one of the most significant scientific accomplishments of the past 100 years.''

For the first time, individuals actually could know their genetic risk of developing disorders such as cancer, diabetes, heart disease, Parkinson's, Alzheimer's, and they could take preventative measures to decrease their risks. It spawned a personalized medicine movement, focusing on catching diseases earlier, when they are cheaper and easier to treat or, even better, preventing the onset of the disease in the first place.

But after investing more than $3.7 billion in taxpayer money to achieve this breakthrough, Congress walked away and left the job unfinished.

We left people without any assurance that their genetic information would not be used against them. So, understandably, they avoided this great technology, never realizing the untold health benefits and savings.

This concern even spilled over into NIH, where a fear of genetic discrimination is currently the most commonly cited reason for not participating in research on potentially lifesaving genetic testing for breast cancer and colon cancer. Fully one-third of those eligible to participate declined to do so for this reason, undermining the development of new treatments and cures.

Mr. Speaker, today Congress is here to settle some unfinished business and provide Americans the protections against genetic discrimination in health care insurance and employment that they need to utilize genetic testing without fear.

Besides the more than 200 health advocacy and business organizations that support this bill, recent surveys show 93 percent of Americans believe that employers and insurers should not be able to use genetic information to discriminate.

With numbers like this, it should come as no surprise that this legislation enjoys overwhelmingly bipartisan support. And I want to take a moment to thank my good friend Ms. SLAUGHTER, Mr. WALDEN and Ms. ESHOO. It truly has been a pleasure working with all of them. I would also like to thank Mr. MCKEON, Mr. MILLER and all the other chairmen and ranking full committee and subcommittee members for working together to make this a better bill.

I would be remiss if I did not mention the members of the Coalition for Genetic Fairness, without whom this bill would not be possible.

Finally, I would like to thank Brian Petersen of my staff and Michelle Adams of Ms. SLAUGHTER's staff and all the outstanding staff who worked tirelessly behind the scenes on our behalf and who have put in long hours on this legislation.

Why must we pass this bill today? Because it dramatically reduces health care costs while saving or extending human lives.

□ 1400

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman of the Energy and Commerce Committee.

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

Mr. DINGELL. I thank the gentleman for yielding to me. I applaud the work of the three committees that have brought this legislation to us, and the work of my good friend from California (Mr. GEORGE MILLER) as well as that of the distinguished gentleman from New Jersey (Mr. ANDREWS). I want to say a word of praise for our colleagues from Ways and Means led by their distinguished chairman, Mr. RANGEL.

On our committee, a lot of people worked on it very hard: Mr. PALLONE, the chairman of our subcommittee; Ms. ESHOO, who worked very hard on the matter; and our good friend Mr. STUPAK and the distinguished gentlewoman from Colorado, who now occupies the Chair, Ms. DEGETTE, who both did a superb job in negotiating language to avoid the difficult questions associated with birth and issues relating to abortion.

I want to say a word of praise for the distinguished gentlewoman from New York (Ms. SLAUGHTER) who did so much.

Madam Speaker, this is an extraordinary bill. It prevents individuals from employment discrimination. It would make it unlawful for employers, employment agencies, labor organizations or training programs to deny individuals the employment opportunities because of genetic information. It requires genetic information to be treated as a part of the individual's confidential medical record. In addition to that, it protects individuals from insurance discrimination by prohibiting insurers both in the group and individual markets from using genetic information to determine eligibility to establish individual premiums based on genetic information of individuals or their family members.

The bill has been significantly amended since its introduction and has been refined through the work of the three able committees of jurisdiction. The version before us includes key elements that were reported by the Committee on Energy and Commerce, and includes a useful definition change of the word ''family member.'' It is a fine piece of legislation.

I want to pay a tribute to my friend, Mr. BARTON, the ranking member of the committee on Energy and Commerce, for his cooperation on this matter. This is an excellent bill. It should pass, it should become law. My private guess, my dear friends, is that it will exceed, in terms of votes, 350 or 400.

I also want to express my respect and affection for the gentlewoman from California (Mrs. CAPPS), who worked hard on this bill.

Mrs. BIGGERT. Madam Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Let me also congratulate the authors of the bill and the fine work that they have done. We have had a hearing in Energy and Commerce, where I serve, but I thought I would just follow up a little bit on what the gentleman from Louisiana talked about, a little bit about the preemption.

Madam Speaker, I think almost everybody in this House is for genetic protection from genetic discrimination. There have been many bills over the years that Ms. SLAUGHTER has worked on. I think she indicated she has worked on it for 12 years. I compliment her on her perseverance. Sometimes it takes that kind of conscientiousness to get anything accomplished here. The fact we are able to get this today is a success story. In fact, the President has indicated, I think nationally, that he would like to sign this bill. So it is on a fast track, and I am sure that we won't have any trouble in the suspension passing it.

But one significant concern that I bring to the attention of my colleagues is a Federal preemption. I mention this as perhaps, as the Senate and the House come together, they can solve this problem. So I will continue to talk about it.

According to CBO, the bill would ''preempt some State laws that establish confidentiality standards for genetic information, and would restrict how State and local governments use such information in employment practices and in the provision of health care to employees.'' This bill will create, I think, a little bit of a problem, the confusion in about the 42 States that currently have laws prohibiting discrimination based upon genetic information.

For example, my home State of Florida is very strong with clear definitions. If we superimpose this bill, it would create a lot of confusion, I think, in my State of Florida. Many exemptions occur, HIV testing, drug

testing, forensic analysis, routine blood tests for current health would be negated. Even more frustrating for the regulated, the operative Federal-State relationship rule is whatever part of a State law is more stringent survives. The question is, who decides when that occurs? The courts? I think that is a question the Senate should look at.

There are better approaches, but partial preemption is what we see here. I think it should be changed. Maybe the answer is across-the-board preemption, and that is what I am recommending, or maybe allow States to apply for an exemption. I believe Florida and other States are substantially meeting this policy.

In any event, some Federal agency should at least adjudicate so that the regulated community is not subject to uncertainty, fines, ultimately litigation. So I asked this same question when we had the markup in Energy and Commerce.

So I asked during our Energy markup on March 23 about this to the staff. At that time, it was difficult to understand what their answer was. I followed up on March 27 with a letter to Chairman DINGELL, signed along with a Health Subcommittee ranking member NATHAN DEAL. We have not at this point received a reply to this letter, and I just urge that somehow in the conference on this bill that we try to answer that question.

Finally, 11 Energy and Commerce Republicans signed our views to the energy report, which, Madam Speaker, I make part of the RECORD, and I support the intention of this legislation. It's good. I congratulate everybody, but I would like to see a preemption and other clear issues worked out in conference.

I support protection from genetic discrimination, so much so I have offered my own bills in prior Congresses. However, this bill has, some problems I would like resolved.

(For the record: Many people have been remarking that we have been working for over a dozen years on legislation to safeguard individuals from discrimination against due to their genetic profile when they seek to purchase health insurance or employment.

Well, I count myself among those waiting. For, in 1995, I was proud to be named the first Chair of the Congressional Task Force on Medical Records and Genetics, by then Commerce Committee Chairman Bliley. Congressman GENE GREEN (Committee Democrat) was my Co-chair, and together we held many meetings and hearings with witnesses from the genetics community, including insurance companies, the biotech and pharmaceutical industries, and patient advocates. Indeed, one of my proudest legislative achievements came in the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In the Commerce Committee markup of HIPAA, I was successful in adding two words to the list of protections: "genetic information." It survived and is in the HIPAA law today.

And, I have continued my engagement, authoring bills in the last several Congresses to prohibit genetic nondiscrimination in health insurance.)

One significant concern is the lack of clarity over federal pre-emption. According to CBO, the bill would "preempt some state laws that establish confidentiality standards for generic information, and would restrict how state and local governments use such information in employment practices and in the provision of health care to employees." GINA will create confusion for the 43 states that currently have laws prohibiting discrimination based on genetic information.

Florida's law, for example, is very strong, with clear definitions. If we superimpose GINA it will create a lot of confusion. Many exemptions—HIV testing, drug testing, forensic analysis, routine blood tests for current health—would be negated. Even more frustrating for the regulated, the operative Federal-state relationship rule is whatever part of a state law is more stringent survives. And who will decide? The courts.

There are better approaches, but partial preemption is unsatisfactory. Maybe the answer is across the board preemption. Or, maybe allow states to apply for an exemption. I believe Florida and other States are substantially meeting the policy. In any event, some Federal agency should at least adjudicate so that the regulated community is not subject to uncertainty, fines, or litigation.

I asked this in the Energy and Commerce markup March 23. And, I followed up on March 27 with a letter to Chairman DINGELL, signed along with Health Subcommittee Ranking Member NATHAN DEAL—a response to which has not arrived. Finally, eleven Energy & Commerce Republicans signed Additional Views to our Committee Report, which I resubmit for the RECORD.

Again, I support the intention of this legislation, but would like to see pre-emption and other unclear issues worked out in conference.

GINA WILL CREATE CONFUSION FOR THE 43 STATES THAT CURRENTLY HAVE LAWS PROHIBITING DISCRIMINATION BASED ON GENETIC INFORMATION

We have not done a complete survey but understand that 43 States already have programs and definitions. We would then want to ask Members if they find the programs in their state inadequate. If you were to superimpose the GINA requirements on those states it will involve a lot of confusion. Many exemptions and clear statements regarding HIV testing, drug testing, and other issues would appear to be wiped out. Even more frustrating for the regulatory community the operative Federal-state relationship rule is whatever part of a state law is more stringent survives. This means pieces of state law will apply while other pieces will be preempted. This would all have to be sorted out by the courts. We think there are better approaches. The worst approach is this partial preemption approach. For some programs there is across the board preemption. In other cases, a state is allowed to submit its program for evaluation as a whole. If such programs are adequate or substantially promoting the policy, they would stay intact. We believe our States are substantially meeting the policy and do not see the need for disruption. In any event, some Federal agency should at least sort out what law applies in advance so that the regulated community is not held hostage to more lawyers and uncertainty. Joe Barton. Nathan Deal. Michael Burgess. Steve Buyer. Barbara Cubin. Mike Rogers. John Shadegg. Cliff Stearns. Lee Terry. Heather Wilson. Tim Murphy.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO) who, again, has worked so hard to bring this legislation to the floor and helped to resolve some of the differences that have existed between the committees, and I thank her for her work.

Ms. ESHOO. I thank the distinguished chairman of the Education Committee.

Madam Speaker, today is a very exciting day. I don't think there is any feeling that beats coming to the floor and knowing that success awaits us and the American people. I think that's the case today as we gather to support the Genetic Information Nondiscrimination Act, known as GINA.

Many times over the course of American history in this Chamber, discrimination has been struck down. I believe that is what we are doing here today with this bill. When the sequencing of the Human Genome Project was completed in April of 2003, it was a great, great victory in the scientific community. So many of us understood what the implications were for our constituents, for the people of our Nation, and people in the world.

Researchers identified genetic markers for a variety of chronic health conditions. When they did, they threw open the doors to increase the potential for early treatment and prevention of numerous diseases.

But there was something that stepped in the way, and that was the threat of discrimination against anyone that subjected themselves to the test, found that they had a gene that wasn't perfect, which I think is the potential of every single one of us, and as a result of that, that their job would be threatened, and that their health care insurance could be dropped. What this bill does today is to throw the doors open with a guarantee by making it illegal for health plans and health insurers to deny coverage to a healthy individual or charge a higher premium based solely on genetic predisposition to a specific disease.

I could go on and on about the bill, but the fact of the matter is, it has well over 200 cosponsors. It is a real bipartisan bill. Thank you to Congresswoman LOUISE SLAUGHTER for her tenacity and her belief in the effort. Twelve years, that is a long time.

I would also like to say what a difference a new majority makes, because this bill was really blocked from coming to the floor for full consideration. To Representative BIGGERT, she has been just as tenacious as LOUISE SLAUGHTER, to all of my colleagues that have worked on this, to the chairman, Mr. GEORGE MILLER of California, Mr. DINGELL, Mr. RANGEL, for making sure that they saw this through and, Ms. SLAUGHTER, of course, she slaughtered us all, I tell you, on this, she made sure, and to the inspirational Dr. Francis Collins, who testified over and over again what the possibilities were that awaited the American people.

I pay tribute to all of you. It's a great day here in the House of Representatives.

Mrs. BIGGERT. Madam Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Ms. DEGETTE). The gentlelady from Illinois has 8 minutes remaining. The gentleman from California has 9 minutes remaining.

Mrs. BIGGERT. Madam Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee, Dr. BURGESS.

Mr. BURGESS. Madam Speaker, it's my feeling that this bill should have been brought to the floor under a rule to perhaps allow additional improvement and amendment, as pointed out by Mr. STEARNS. There is the opportunity, perhaps in conference, to further improve the bill. I don't think our work is quite done.

One improvement that I was able to effect in our committee, the Committee on Energy and Commerce, is the exclusion of title II for covered entities already subject to regulation under HIPAA statutes, the Health Insurance Portability and Accountability Act statutes. Dual regulation of communications, uses, disclosures and other aspects and activities, subject to regulation, currently regulated by the Department of Health and Human Services, by GINA, would have had disastrous consequences for coordination of care.

We need to make clear that providing health services is not the same as hiring, firing or job promotion. Genetic information is medical information and is not restricted under the House bill for employer-sponsored services that are covered in entities under HIPAA. Also, nothing in this bill affects the practice of medicine. That is not the intention, and this is among the principles that I have sought to ensure.

I would note that the current HIPAA regulations are extremely sophisticated. They are the result of over 5,000 communications and comments. We are not going to trump those regulations under title II, and that will prevent the possibility for enormous disruption and adverse consequences.

Failure to address this issue would have been calamitous, for efforts of using health information, new efforts for using health information technology. Medical information systems cannot be burdened with legal requirements that would, in effect, force complicated segregation of genetic information from other medical information and health care, including those in employer-sponsored clinics.

Still, with all of those caveats, I will be voting in favor of the bill today. I do look forward to making certain that these modifications survive in conference and perhaps there will be the opportunity to even make things a little bit better in that process.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding. I congratulate Chairman MILLER and Mr. RANGEL and Mr. DINGELL for their work, and especially my friend, Congresswoman SLAUGHTER, and Congresswoman BIGGERT for her great work. I think we should reflect on the great work they are achieving on this bill.

Madam Speaker, if your grandmother had breast cancer, you shouldn't be denied a job or a promotion. That's what this bill says. If your dad is a diabetic, you shouldn't have to pay higher health insurance premiums. That's what this bill says.

When the scientific community comes to you and asks you to participate in a genetic study that may hold the key to unlocking the mystery of AIDS or Alzheimer's or leukemia, you should be able to participate fully and freely without fear that your genetic information will be unlawfully and improperly shared with someone who wants to do the wrong thing with it.

□ 1415

This is a significant achievement, not only in protecting the working men and women of America from discrimination, but in empowering American scientists to achieve the maximum that we can from the promise of genetic medicine.

The bipartisan effort to support this bill will be vindicated year after year and case after case as Americans can work freely, can avoid discrimination, and as scientists can take the next step and the next step and the next step to unlock the keys to genetic medicine.

So I congratulate my friends, Madam Speaker, for their great work on this bill. I enthusiastically support it. I ask everyone to vote ''yes.''

I would like to note that the final version of H.R. 493 represents the input and compromises made by 3 committees of jurisdiction.

In particular, I would like to mention 3 critical compromises reflected in the final bill:

(1) the bill does not affect or limit the ability of health plans to provide information to their members about the availability and benefits of genetic tests,

(2) the bill is intended to supplement the protections afforded under HIPAA and not intended to prohibit practices permitted under HIPAA unless explicitly stated, and

(3) the bill is intended to provide 2 comparable but distinct causes of action for violations of the Act with respect to genetic information. Health plans and insurers generally are subject to the requirements of the title 1. Employers, including to the extent employers control or direct health benefit plans, are subject to the requirements of title II of the bill.

I commend my colleagues on all 3 committees for their hard work to enable us to pass this important genetic information protection bill.

Mrs. BIGGERT. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I think that by incorporating genetic testing, we can significantly reduce the cost of chronic disease, which currently accounts for 70 cents of every health care dollar. I think the President of the United States understands this, and I will include for the RECORD the statement of administrative policy from the White House in favor of this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, April 25, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 493—GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007 (REP. SLAUGHTER (D) NY AND 224 COSPONSORS)

The Administration favors enactment of legislation to prohibit the improper use of genetic information in health insurance and employment. The Administration supports House passage of H.R. 493, which would prohibit group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic prediposition to developing a disease in the future. The legislation also would bar employers from using individuals' genetic information when making hiring, firing, job placement, or promotion decisions. The Administration appreciates that the House bill clarifies that the bill's protections cover unborn children.

The mapping of the human genome has led to more information about diseases and a better understanding of our genetic code. Scientists are pursuing new diagnostics, treatments, and cures based on this information, but the potential misuse of this information raises serious moral and legal issues. Concern about unwarranted use of genetic information threatens the utilization of existing genetic tests as well as the ability to conduct further research. The Administration wants to work with Congress to further perfect this legislation and to make genetic discrimination illegal and provide individuals with fair, reasonable protections against improper use of their genetic information.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

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

Madam Speaker, I rise in strong support of H.R. 493, of which I am a cosponsor. As science continues to make rapid advancement in the area of genetics, I cannot stress how important this bill is to every American citizen.

Genetic testing has increasingly become an integral part of the American health care system, providing the possibility to develop better therapies that are more effective against disease and allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. However, as knowledge of the human genome expands, a greater proportion of the population will likely be identified as carriers of mutations associated with a greater risk of certain diseases, indicating that virtually all people are potentially victims of genetic discrimination in health insurance.

Along with the increasing prevalence of genetic testing comes the growing fear of the potential misuse of this information by way of discrimination in health insurance and employment. Accordingly, we need to strengthen current laws at both the Federal and State level in order to protect against the possibility of genetic discrimination. This bill will go a long way in making sure that this highly private information cannot be misused or abused.

In closing, I want to thank the primary sponsors of this legislation, particularly Ms. SLAUGHTER, I know how long she has worked on this, along with Ms. ESHOO and others. We finally came together in a bipartisan fashion to bring up what I think is a bipartisan bill. They should all be commended, all of us should be commended for our efforts. I think that this could serve as a model for bipartisan cooperation on other bills.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), a member of the Energy and Commerce Committee.

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

Madam Speaker, I rise in support of H.R. 493, the Genetic Information Nondiscrimination Act, or GINA. Congratulations to all who have worked for the last number of years on this legislation, especially Ms. SLAUGHTER.

In reviewing this bill, I was concerned that families may face genetic information discrimination from testing of embryos and fetuses, plus I was concerned about children who are in the process of being adopted. As genetic testing becomes increasingly common, GINA protections must be extended to genetic material gathered through pre-implementation genetic diagnoses, amniocentesis or other future techniques.

Together with Chairman DINGELL, Ms. DEGETTE and Mr. SMITH, we were able to close this loophole, which could have been exploited against families on the basis of genetic material of their fetuses or children in the process of being adopted.

I am proud to have worked with so many Members to correct the concerns I had on this bill. I support the passage of this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the committee.

Mrs. CAPPS. Madam Speaker, I thank my California colleague for yielding me time.

Madam Speaker, I also rise in strong support of H.R. 493, and I commend my colleagues, the Congresswomen who have been acknowledged, SLAUGHTER, ESHOO, BIGGERT and others who persisted over the years to bring this legislation to the floor, and acknowledge that the Caucus for Women's Studies of the 110th Congress has made the passage of this its highest priority.

I am also struck by the importance of the partnership that is highlighted with this legislation, a partnership between this legislative body and our colleagues in the National Institutes of Health and work that we should be doing together on behalf of the American people.

As Dr. Francis Collins and his wonderful staff of the Genome Project have taught us, the identification of genetic markers for disease is one of the most remarkable accomplishments scientists have ever made. Being able to identify risks for certain conditions holds such great promise for our ability to identify and practice greater preventive health care in this country. The importance of preventive care to our well-being and our optimum health can never be overemphasized.

However, as with almost all great scientific advancements, we have also opened the door to a whole slew of unintended consequences. Preventive health care can be put at risk if patients decline genetic testing for fear of insurance or employment discrimination. We need to work together, and we will, on ways to promote ethical genetic testing, coupled with appropriate privacy protections and with measures such as we are doing today to prevent discrimination.

This bill accomplishes these goals, and I am extremely proud to support it. I urge all of my colleagues to vote ''yes'' on its passage.

Mrs. BIGGERT. Madam Speaker, I have no further speakers, so I will yield myself the balance of my time to close.

Madam Speaker, this bill has been a bipartisan bill. It has got 95 Republicans and 125 Democrats. GINA passed the Education and Labor Committee, Energy and Commerce Committee and the Ways and Means Committee by voice vote. I think that GINA is needed to maintain high-quality genetic research and clinical trials at NIH. It passed the Senate last year 98–0, and the last Congress was a strong SAP for them, so when this goes to conference we will see what happens this year.

Let me just say that Newt Gingrich said to not have this bill is to cripple our ability to save lives. I would like to enter into the RECORD a statement of his in the Washington Times, and just to quote a little bit from it.

''Without protection from genetic discrimination, we risk missing out on the promise of personalized medicine. But if we apply time-honored principles of fairness and justice to the genome era, we can grant the American public the gift of better informed patients, better equipped providers, an enhanced biotech industry, improved health and lives saved.

''Let's not withhold this gift any longer. Let's empower all Americans to embrace the possibilities of personalized medicine for better health, and let's commend the forward-thinking bipartisanship of the 110th Congress that has brought us to the threshold of a world where Americans can embrace personalized medicine without fear.

''Our health, and that of our children and grandchildren, depends on it.''

Let me just say that this bill had to go through three committees, and that is not easy, Education and Labor, Ways and Means and the Energy and Commerce. That is no small feat. I really thank Chairman SLAUGHTER for all that she did to make sure that this went through, and all the time she has spent on this. It has been a great honor to work with her.

Again, let me thank the chairmen of these committees and the ranking members for the time that they put in, and all the Members that came down to speak today and all the Members that supported this as cosponsors.

To go through the three committees, everybody knows something about this place, but everybody wants to put their stamp on it. To come out with a bill we can all agree on, and, as people said, they have some things they would still like to put in, but I think being able to manage all of the different committees, and what was their jurisdiction and what maybe they thought was their jurisdiction but really was the jurisdiction of another committee, makes it a very interesting process.

And I think we all learned about how this type of bill works. It is a very technical bill, and that is why we thank all of the 200 groups, at least 200 groups that have worked on this bill and been able to give us the technical information that we needed to make this something that is going to save lives. It is going to lower costs and it also is going to find the cures for so many of these diseases and disorders, because people will be willing to go into clinical trials. So I congratulate all of the people that participated.

Madam Speaker, I include the article by Newt Gingrich for the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC.

Why does Newt Gingrich Support GINA?

DEAR REPUBLICAN COLLEAGUE, We wanted to draw your attention to this op-ed by Newt Gingrich supporting H.R. 493, the Genetic Information Nondiscrimination Act. It appeared in the Washington Times on April 11, 2007. We urge you to vote ''yes'' when this legislation comes to the floor.

Sincerely,

JUDY BIGGERT,
Member of Congress.

GREG WALDEN,
Member of Congress.

[From the Washington Times]

HEALTH CARE RE-GIFTING LEGISLATION RIGHTLY AVOIDS GENETIC DISCRIMINATION

(By Newt Gingrich and Robert Egge)

Protecting every American from genetic discrimination is a long overdue gift to the nation. After 12 years of debate, Congress is at last poised to deliver this gift.

The sequencing of the human genome is leading to revolutionary advances in our understanding of the causes of disease. Four years after completing the Human Genome Project, we are witnessing the dawn of the era of personalized medicine.

The discovery of genetic variants that contribute to risk of common diseases will continue to grow rapidly during the next few years, offering better opportunities for individualized, preventive medicine. Already,

health-care providers can test for DNA patterns that predispose some of us to cancer, and soon this will be possible for diabetes, heart disease and other common diseases. Doctors will also soon be able to prescribe medicines and treatments based on our own individual genetics. Pharmacogenomics will better equip doctors to give the right medicine to the right patient at the right dose and, by avoiding giving treatments to patients who would suffer a negative reaction, save both lives and money.

The arrival of this new era, however, is being delayed by widespread public fear of genetic discrimination. Individuals worry that genetic predisposition to a particular disease will deny them access to health care of employment. These fears are not unwarranted. This issue affects all of us; there are no perfect specimens at the DNA level. Each of us carries gene variants that increase risk of developing one disease or another, each of us is at risk for genetic discrimination.

A recent independent survey conducted by the Genetics and Public Policy Center showed that more than 90 percent of Americans support the use of genetic testing by doctors to identify a person's risk for future disease. But nearly all Americans (93 percent) believe that health insurers should not be able to use genetic test results about increased risk of future disease to deny or limit insurance or charge higher prices. Similarly, 93 percent felt that employers should not be able to use genetic information to make hiring or promotion decisions.

Not only do these fears discourage Americans from using genetic tests that could personally benefit them, but they risk delaying the arrival of new medical breakthroughs. At the National Institutes of Health, fear of genetic discrimination is the most commonly cited reason for declining to participate in research that includes potentially lifesaving genetic tests for cancer; over one-third of eligible participants decline on this basis.

In the past, lawmakers have come close to providing Americans the protections they seek. Two years ago, with the support of the Bush administration, the Senate passed the Genetic Information Nondiscrimination Act of 2005 by a 98–0 vote. Progress in the House was slower. Despite 244 cosponsors, including 117 Republicans, the bill never came to a House vote in the 109th Congress.

In this Congress, the 110th, House and the Senate champions have taken up genetic nondiscrimination with even greater determination. All the House and Senate committees involved have already held hearings on the bill, and the leadership has signaled a commitment to moving S 358 and HR 493 to a vote. President Bush has strongly restated his support. The time is right to put the needed protections in place.

Without protection from genetic discrimination, we risk missing out on the promise of personalized medicine. But if we apply time-honored principles of fairness and justice to the genome era, we can grant the American public the gift of better-informed patients, better-equipped providers, an enhanced biotech industry, improved health and lives saved.

Let's not withhold the gift any longer. Let's empower all Americans to embrace the possibilities of personalized medicine for better health. And let's commend the forward-thinking bipartisanship of the 110th Congress that has brought us to the threshold of a world where Americans can embrace personalized medicine without fear.

Our health, and that of our children and grandchildren, depends on it.

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

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would just want to join in thanking all of the Chairs and the ranking members of the three committees and the subcommittees, and clearly LOUISE SLAUGHTER, our colleague from New York, who has worked so hard on this legislation so very long, and JUDY BIGGERT also, and ANNA ESHOO.

Given the importance of this legislation, it is hard to believe it has been stuck in the Congress of the United States for 10 years, but it has been. Maybe our reporting it today off of the floor is a tribute to a fresh start.

This is a very, very important piece of legislation to the health of the Nation and to the world. The advocacy of LOUISE SLAUGHTER has reminded us almost every day in those 10 years what we were missing by not passing this legislation and making it available so that we could get on with the wonderful discovery and the wonderful help that could be provided to individuals, to their families and to our communities. And the National Institutes of Health is to be commended, with all of the assistance they provided and all of the information provided to this Congress.

With that, I also want to thank the staffs of the three committees on both sides of the aisle for all of their work. They put in a lot of hours to get this resolved so that we could come to the floor and work over the differences that were there sometimes between the committees.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H.R. 493, the Genetic Information Non-Discrimination Act.

The sequencing of the human genome was an amazing scientific advancement, and has contributed to the rise of genetic testing to inform patients of their proclivity for disease. Thanks to genetic testing, individuals with a risk of an illness can take precautionary steps ahead of time to ward off disease, which will contribute to lower health care costs over time.

As we take advantage of this scientific progress, however, it is critical that we protect individuals from any discrimination that could result from the information these tests reveal. The results should not be used by health insurers to deny anyone coverage or increase their premiums because of a pre-disposition to a certain disease. Likewise, the results should not be used by employers to discriminate against employees based on their predisposition to disease.

I am proud to be a co-sponsor of this legislation, which our colleagues Ms. SLAUGHTER and Mrs. BIGGERT have been working on for over a decade now. The health care marketplace has changed significantly since the bill's original introduction, and important changes were made to the bill during the 108th Congress to refine the bill's definitions and scope.

During the Energy and Commerce Committee's consideration of the bill, we learned about one segment of the health care marketplace that was excluded from the bill's protections—the long-term care insurance market. The bill sponsors and supporters all agreed that this bill was never intended to regulate the long-term care insurance market, and I understand that current statute treats long-term care insurance differently.

Regardless of the bill's original intent, the fact remains that the long-term care exclusion in this bill would allow a long-term care insurer to discriminate against an individual on the basis of genetic information. If an individual determines that she is at high-risk for developing Alzheimer's disease, the next obvious step is to plan her future care for Alzheimer's, including the purchase of long-term care insurance. Despite all of the good intentions in this legislation, the bill would allow long-term care insurance underwriters to refuse to cover her or charge her higher premiums for a disease she has yet to develop and may never develop.

As a Congress that continues to encourage Americans to plan for their future, we should ensure that future legislation extends the patient protections inherent in this bill to consumers who want to plan for their future and purchase long-term care. With that, Madam Speaker, I am pleased to support this important legislation and encourage my colleagues to vote for its passage.

Mr. PAUL. Madam Speaker, the supporters of H.R. 493, the Genetic Information Nondiscrimination Act, are right to be concerned over the possibility that third parties, such as the government or potential employers, will access an individual's genetic information without consent, and use that information to deny an individual health insurance or other benefits. I have long advocated repealing government laws and polices that allow third parties to access personal information. For example, I have worked to repeal the provision of Federal law giving the Federal Government the power to assign every American a ''unique medical health identifier.'' I also support repealing the phony ''medical privacy'' regulations that give law enforcement officials and state-favored private interests the right to access medical records at will.

Because of the Federal Government's poor record in protecting privacy, I do not believe the best way to address concerns about the misuse of genetic information is through intrusive Federal legislation. Uniform Federal mandates are a clumsy and ineffective way to deal with problems such as employers making hiring decisions on the basis of a potential employee's genetic profile. Imposing Federal mandates on private businesses merely raises the costs of doing business and thus reduces the employment opportunities for all citizens. A much better way to eliminate irrational discrimination is to rely on state and local regulation. Unlike the Federal Government, states and localities are able to tailor their regulations to fit the needs of their particular populaces. I would remind my colleagues that 34 states currently ban genetic discrimination in employment, while 46 states forbid health insurers from engaging in genetic discrimination. Clearly, the states are capable of addressing this issue without interference from Washington. My colleagues should also remember that Congress has no constitutional authority to forbid private sector employers from making hiring or other employment decisions on the basis of genetic information.

The best way to address the sponsors of H.R. 493's legitimate concerns is to put individuals back in control of the health care dollar. When individuals control the health care dollar they, not their employers, insurance

companies or Health Maintenance Organizations, can make all health care decisions, including whether or not to share individual genetic histories with a potential employer, insurer, or other third party. Therefore, instead of creating more Federal regulations and bureaucracies, my colleagues should increase individual control of health care by passing legislation expanding Health Savings Accounts and individual health care tax credits and deductions.

Mr. HOLT. Madam Speaker, I rise today in strong support of H.R. 493, the Genetic Non-Discrimination Act (GINA). As a cosponsor of this important legislation since I first came to Congress, I am delighted that it is finally being considered by the House of Representatives.

As humans, we have a genetic destiny that we cannot control. The genes we are born with are the genes we will die with, and it is wrong for any employer to fire, refuse to hire, or deny insurance to an employee based on that individual's genetic composition. It is unconscionable for employers to require their employees to submit to a genetic test or to secretly obtain genetic information, only to use the genetic information against the employees.

The Human Genome Project was created to provide a genetic map of the human body to aid the scientific and medical communities in their fight against some of the most insidious diseases and afflictions suffered by humanity. It is a great irony and a tragedy that this research is now being used as justification to fire or refuse to hire employees who have no control over their genetic destinies.

As a member of the Education and Labor Committee, I participated in hearings on GINA which highlighted the existing loopholes in federal and state laws protecting an individual's health information. Lacking a strong and clear national law prohibiting genetic discrimination, employees have been fired or denied insurance coverage based on this most personal of information.

Today, the House will act to end genetic discrimination in hiring and firing decisions. GINA will protect prospective and current employees from discrimination based on a genetic predisposition regardless of what state they live in. It will provide strong protections to those individuals who may suffer from actual genetic discrimination now and in the future. This legislation would pose a nominal cost to employers, but provide priceless protections for American workers and peace of mind for their families.

New Jersey, along with 32 other states, already prohibits genetic discrimination in decisions on hiring, firing, or benefits. However, only 25 states prohibit employers from requiring genetic information from their employees. Worse yet, only 10 states prohibit employers from obtaining genetic information or genetic tests of employees through any means.

This vital legislation is supported by more than 200 groups and associations including: the Hereditary Disease Foundation, the American Association for the Advancement of Science, the American Jewish Congress, the American Association of People with Disabilities, the American Society of Human Genetics, the March of Dimes, the NAACP, the National Fragile X Foundation, the National Hemophilia Foundation, the National Council of La Raza, Citizens for Quality Sickle Cell Care, the Coalition for Genetic Fairness, the Cornelia de Lange Syndrome Foundation, the Cystic Fibrosis Foundation, The National Workrights Institute, the Religious Action Center for Reform Judaism, Rett Syndrome Research Foundation, the Spina Bifida Association of America and many others.

Madam Speaker, it is long past time for the Genetic Non-Discrimination Act to become law. I urge my colleagues to vote for this important legislation, which will protect the rights of American workers and their families.

Mr. STARK. Madame Speaker, I am pleased that we are finally passing the Genetic Information Nondiscrimination Act.

This is a bill that has languished in Congress more than a decade. The Senate has twice passed earlier versions of this bill with unanimous votes, but the House has always blocked action.

It's good to see that times have changed. Members from both sides of the aisle—as well as the President support the bill before us.

As I hope most of you know, this bill does something very simple, but something very important as well. It protects people's genetic information and family history from being used by health plans or employers to discriminate against them. Enactment of this law is critical to protect patients and for genetic science to advance.

Recent breakthroughs in medical science have made genetic testing available to more patients, but with these breakthroughs comes the fear that patients may be discriminated against by insurance companies and/or employers if they are pre-disposed to suffer from a disease or other condition.

We are here today to make sure that patients can undergo genetic tests which could help with treatments or cures without fear that the results will keep them from affordable, reliable health care.

This legislation is an overdue and important step toward ensuring that our laws governing patient rights are as current as the latest medical technology.

I urge strong support for this bill.

Mr. SHAYS. Madam Speaker, as an original cosponsor of H.R. 493, I rise in strong support of this legislation and am grateful we are finally considering it. The objective of this bill is simple: preventing both health insurance companies and employers from using genetic information to discriminate against individuals.

In the past decade, science has made remarkable advances on the human genome. Genetic tests are already available to measure an individual's likelihood of developing specific diseases. In fact, soon every individual will have a genetic profile available that predicts the diseases for which they are more at risk, and what side effects to which they are more susceptible. These genetic advances will make health care pre-emptive and ultimately save the health care system—and consumers—money.

While these advances hold amazing potential, they also hold potential for abuse. For example, health insurance companies could charge higher rates—or even deny coverage—to individuals who are determined to be at higher risk for certain disease or illnesses. Similarly, employers could screen applicants for certain positions based on their genetic make-up to get the individuals least likely to develop diseases.

Our laws need to keep pace with medical advancement. If Americans are afraid of retribution from their health insurance company or from their employer if they get genetic testing done, none of the medical advances that are possible will be achieved. We simply must move forward in this critical area of science, which is why I urge passage of this legislation.

Mr. GEORGE MILLER of California. Madam Speaker, with that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 493, 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. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMMUNICATION FROM THE HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN E. PETERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 2007.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, I have been served with a judicial subpoena for documents issued by the United States District Court for the Middle District of Pennsylvania.

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

Sincerely,

JOHN E. PETERSON,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

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. 1332) to improve the access to capital programs of the Small Business Administration, 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 equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such 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 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 to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. 1332 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1430

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

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

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 330.

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

There was no objection.

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

House Resolution 330 provides for consideration of H.R. 1332, the Small Business Lending Improvements Act of 2007 under a structured rule. The rule provides 1 hour of general debate controlled by the chairman and ranking minority member of the Committee on Small Business. The rule makes in order the substitute reported by the Committee on Small Business as an original bill for purpose of amendment. The rule makes in order all four germane amendments that were submitted to the Rules Committee. And finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, this bipartisan legislation, crafted under the leadership of my colleague from New York, chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, maintains support of a wide range of organizations, including the Independent Community Bankers of America, the American Dental Association, the American Veterans, and American College of Physicians.

Small businesses are the backbone of the American economy. In my home State of New York, 99 percent of all businesses are small businesses, and they employ 52 percent of the nonfarm, private sector workforce. In 2005, an estimated 62,000 new small firms began operations in New York, creating $77 billion in entrepreneurial income for the State of New York.

In my district and across this country, Americans depend on small businesses to drive the economy and provide essential everyday services. Sadly, it is a constant struggle for many of these entrepreneurs just to keep the lights on, as larger companies continue to push out the mom and pop businesses in the cities and towns across the country.

My constituents in upstate New York have experienced this loss firsthand. I am proud to have the opportunity, as a member of the distinguished Rules Committee, to manage this rule for such an important piece of legislation for our Nation's small businesses.

The Small Business Lending Improvements Act will help strengthen our Nation's small businesses by updating and streamlining two of the Small Business Administration's largest financing programs, the 7(a) and 504 loan programs.

This bill will make the 7(a) program more affordable for both borrowers and lenders by reducing fees and increasing the SBA guarantee on 7(a) loans. It will also modernize the 504 Certified Development Company Program by improving the ability of CDCs to liquidate defaulted loans and by requiring their local community leaders be included on every CDC board of directors. And it will make permanent the Community Express Program, providing increased access to capital for socially and economically disadvantaged small business owners.

This bill also establishes two important new 7(a) loan programs, one to encourage private health care providers to establish practices in federally designated Health Professional Shortage Areas, and one to assist our Nation's veterans in starting or expanding a small business.

Despite an abundance of health professionals, New York State has 102 communities designated by the Federal Government as Health Professional Shortage Areas. Only 16 percent of the physicians practicing in New York provide services in these medically underserved areas. According to the Department of Health and Human Services, the district I am privileged to represent is short nearly 70 dental, primary care and mental health practitioners. Further, a handful of counties I represent don't even have a resident OB/GYN, forcing thousands of women to travel 40 to 50 miles just to seek routine care.

Madam Speaker, this problem is not confined to upstate New York. Over 60 million Americans currently live in medically underserved areas across the country. The Small Business Lending Improvements Act will address this critical shortage by establishing a 7(a) loan program that reduces lender and borrower fees by half and increases the government guarantee to 90 percent of the doctors and dentists serving Health Professional Shortage Areas.

These financial incentives are critical to encouraging private health care providers to establish practices in underserved areas and to expand access to quality health care for millions of Americans.

Madam Speaker, this legislation will also ensure that our returning servicemen and women are afforded every opportunity to start or expand a small business by establishing a dedicated 7(a) loan program for veterans.

An estimated 900 of New York's Reservists currently deployed in Iraq and Afghanistan are self-employed, and another 100 are considered key employees within small businesses. The absence of these men and women during 12- or 15-month deployments often forces the small businesses they own to operate at greatly reduced levels, at times declining to near startup conditions by the time the owner returns. An absence due to deployment is most detrimental to the smallest towns where many Reserve and Guard members operate businesses essential to the community.

The Small Business Lending Improvements Act will help address the obstacles faced by small business owners deployed in Iraq and Afghanistan by eliminating borrower and lender fees and increasing to 90 percent the government guarantee for loans to veterans under the 7(a) program.

According to American Veterans National Commander Thomas C. McGriff, ''These lenders fees, which can amount to thousands of dollars, are due up front and can deter entrepreneurs from seeking financial assistance altogether.''

Madam Speaker, by creating a lender structure tailored specifically for veterans, this bill will encourage entrepreneurship and help to repay the enormous debt we owe to our brave men and women in uniform.

Madam Speaker, it is our Nation's small businesses that keep our Nation's economy moving full speed ahead. Let's take this opportunity to provide further encouragement for the creation of new small businesses and for our Nation's existing small business owners to expand.

I am proud to support this bipartisan legislation and encourage my colleagues on both sides of the aisle to do the same.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. HASTINGS of Washington. Madam Speaker, the Small Business Administration was originally created to assist small businesses which are vital sources of job creation and economic growth here in America, but are often disadvantaged when it comes to access to capital.

The Small Business Administration's two largest small business finance programs, the 7(a) loan guarantee program and the 504 loan program, have assisted thousands of small businesses every year that otherwise would not have attained a commercial loan for the purpose, amount and on the terms that small business borrowers need.

The Small Business Lending Improvement Act enhances and streamlines these finance programs and makes the 7(a) program more affordable and accessible to borrowers and lenders by providing the Small Business Administration with the authority to use funds to reduce fees on both lenders and borrowers. This bill encourages increased lender participation in the 7(a) program by reducing application burdens for borrowers and lenders in rural areas and expediting the loan consideration time.

This bill was favorably reported by the Committee on Small Business by a voice vote, and it enjoys strong bipartisan support.

Madam Speaker, our Nation's small businesses are the engine that drives our economy. Small business represents 99.7 percent of all employers and have generated 60 to 80 percent of new jobs annually over the last decade. Clearly, we must act to help our Nation's small businesses continue to grow and create job opportunities.

While I support the underlying Small Business Lending Improvement Act, more must be done to help small businesses overcome the challenges they face. Congress must act quickly to continue tax incentives for small business expenses that spur job creation and grow the economy.

In the last Congress, I supported the Tax Increase Prevention and Reconciliation Act, which extended through 2009 the enhanced section 179 small business expensing allowance. In 2007 the maximum allowance will be $112,000. But in 2010, this maximum amount will plummet to $25,000 without an extension of the current law.

I am disappointed that the Democrat majority has chosen not to provide small businesses more significant tax relief in a form that has an opportunity to become law. We cannot afford to halt our Nation's economic growth and job creation opportunities by letting small business tax relief policies expire and become part of the Democrats' proposed largest tax increase in American history.

Congress must also act to provide regulatory relief and make health care more affordable for small business employees and the self-employed.

Madam Speaker, because of the way health insurance is priced and regulated, small businesses usually pay more for similar coverage than larger corporations, and I think this is simply unfair. It is currently estimated that 60 percent of those without health insurance work for or depend on small employers who lack the ability to provide health benefits for their workers.

The high cost of health insurance prevents many small business owners from providing health insurance to their employees, and we must look for ways to make health care more affordable. One way is to expand Health Savings Accounts so that individuals can choose a health plan that best meets their needs. Health Savings Accounts allow individuals to make their own decisions about their health care, while building, at the same time, savings tax free to pay for future medical expenses.

Another way to make health insurance more affordable and accessible is to allow small businesses to join together to use the marketplace to buy health insurance as a group. This would provide small businesses with greater bargaining power and lower health plan costs that larger companies now often afford.

We must also provide fairness to self-employed individuals who purchase their own health insurance, but yet are treated differently under the U.S. Tax Code than those who receive health insurance benefits from their employer.

So I call on this new majority to bring forth legislation to the House floor that not only makes improvements to small business lending programs, as this bill does, but that provides real tax and regulatory relief to small businesses and makes health insurance more accessible.

Madam Speaker, I am disappointed that this House Resolution 330 is a structured rule. I am even more concerned that an amendment offered by my colleague from Indiana, Mr. BUYER, the ranking member of the Committee on Veterans' Affairs, was not made in order by the Rules Committee. In fact, it was rejected by the Democrat majority on a party line vote.

Mr. BUYER's thoughtful amendment would authorize Federal contracting officials to treat small businesses owned by service-disabled veterans under the same rules as those applied to businesses in SBA's 8(a) program. Under House Resolution 330, Members are denied the opportunity to consider a full range of ideas on this floor to the Small Business Lending Improvement Act.

Accordingly, Madam Speaker, I urge my colleagues to vote against the previous question and against House Resolution 330.

Mr. MCGOVERN. Madam Speaker, let me say at the outset that I always enjoy listening to my colleague from Washington State, Mr. HASTINGS, both on the floor and in the Rules Committee.

I want to respond to a couple of things he said. He talked about the Democrats and taxes. Let me remind him that the biggest tax increase that is looming that could impact small businesses is the alternative minimum tax, or so-called AMT. And the Democratic majority is actually working on a solution so that millions of Americans won't be unfairly burdened with that tax. That is an issue that, when the gentleman's party was in the majority, they chose not to deal with. And the Democrats will deal with that.

Let me say one other thing, Madam Speaker. It is always interesting to hear the gentleman from Washington complain about the rule.

□ 1445

Let me state for my colleagues, both Democrat and Republican, that every single germane amendment that was offered to this bill was made in order by the Rules Committee. That is something that very rarely happened when the gentleman's party was in the majority. So I think this is a good rule.

He complains that a nongermane amendment was not made in order, one that deals not with the issue of loans, which the underlying bill deals with, but instead the Buyer amendment deals with contracting. And the gentleman says that we need to do this for our veterans. Well, I want to do all we can for our veterans, and maybe in the right vehicle we can deal with that issue. But I also want to point out to my colleagues here in Congress that when the gentleman's party was in control, veterans health and veterans benefits were woefully underfunded. I mean, we are dealing with scandals at Walter Reed. We are dealing with scandals all over the country dealing with veterans health because of the inadequacy of the funding that came out of the Republican majority, budget after budget after budget after budget.

The Democrats take control and have literally pumped billions of dollars more into veterans programs, including veterans health programs. And I will say to the gentleman from Washington that today he will have the opportunity, in the conference report on the supplemental appropriations bill, to vote for a conference report that adds

even billions of dollars more to help our veterans. So if people are concerned about helping our veterans, then they will have an opportunity this afternoon to vote that way.

Mr. HASTINGS of Washington. Madam Speaker, will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman.

Mr. HASTINGS of Washington. Madam Speaker, I appreciate the gentleman's yielding.

Let me first talk about the issue of the structured rule and about Mr. BUYER's amendment, which I am going to call for a vote on the previous question so we can rectify what we didn't do in Rules last night, and that is simply this: The Rules Committee exists to make rules for debate on the floor of this House. We, on a regular basis, waive the rules for whatever. In fact, we are going to have the supplemental budget on the floor, and line 1 of that supplemental rule talks about waiving rules.

So the point is this: If we had had an open rule, as I suggested last night, Mr. BUYER could have offered his amendment.

Mr. MCGOVERN. Madam Speaker, I would like to reclaim my time, if I may.

What the gentleman knows full well is that even with an open rule, the Buyer amendment would still not be germane and subject to a point of order by any Member of this House. I mean, we have germaneness rules for a reason.

Let me also point out another interesting fact that I think my colleagues should remember. The gentleman from Wisconsin (Mr. OBEY), during the last Congress, time and time and time again went before the Republican Rules Committee asking for a waiver on an amendment that would repeal the tax cut for the top 1 percent income earners in this country, the multibillionaires, if you will, so that those savings could be put into veterans programs. He needed a germaneness waiver. Time and time and time again, the Republican Rules Committee denied him the right to offer that amendment.

Now, I guess my point is that it is a little bit curious that the gentleman voted routinely to uphold the germaneness rules with regard to amendments to help veterans in the past, but now somehow is complaining that we need a different standard now that they are in the minority.

Madam Speaker, I would simply say that this is a fair rule. Every germane amendment that was offered is made in order. Anybody could have offered an amendment. And this is something that was very rarely afforded to us when we were in the minority. And I think it is a good rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I wonder if my friend has any more requests for time. If he is prepared to yield back, I will make my closing statement and then yield back.

Mr. MCGOVERN. I am going to wait with bated breath while the gentleman gives his closing statement. I have no further requests for time.

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

Let me respond. I appreciate at least the short time that the gentleman yielded to me. I wish I could have made my point, but I will finish making it here.

And that is if we had had an open rule, Mr. BUYER could have come to the floor and attempted to offer his amendment. Somebody would have probably raised the germaneness issue under a point of order, and I have all the confidence in the world that the Speaker would have ruled it out of order because that is what the rules are.

But now, because we have established a policy here of going through structured rules, we want to give every Member in this body an opportunity to see if we should have this amendment considered that allows for disabled veterans who have businesses to be treated as others would under that section of the SBA Act.

The second point I want to make in response to my friend's talking about tax relief, he talked about this majority's attempt, and I think he used the word ''attempt,'' or intention to address the AMT. I agree it needs to be addressed. There is a huge cost, as the gentleman knows; so we, in the past Congresses, have addressed it. But the tax relief issues that I was talking about in my remarks are already in place. They are already in place. They have been acted on. They were voted on, and the American people have enjoyed the tax relief. And they are going to go away if the majority follows at least the proposed budget that was passed by this body. It would result in the largest tax increase in American history, not only in the one that I cited but in others.

So with that, the last thing I would like to mention to my friend, because he talked about veterans funding, we not only dealt with and resolved the concurrent receipt issue, but in the last 6 years, veterans funding has increased by 50 percent. We all know that it is important that veterans get their due care because of what they have given us and our freedoms. So I just want to set the record straight that in the last 5 years, there has been a great deal of increase.

So we will be asking to vote, Madam Speaker, on the previous question. I will be asking for a ''no'' vote so that I can amend this rule to allow the House to consider an amendment offered by Mr. BUYER and provide the appropriate waivers. As I stated before, the Buyer amendment would authorize Federal contracting officials to treat small businesses owned by service-disabled veterans under the same contracting rules as those applied to businesses in the 8(a) program.

Madam Speaker, as I mentioned, the Rules Committee met yesterday, and they rejected, on a party-line vote, making it in order.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

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

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

Madam Speaker, let me begin by responding to a couple things the gentleman from Washington said.

First of all, on the issue of veterans funding, I don't know too many people who will get up and say that the funding under the previous majority for veterans was anywhere near adequate. The fact of the matter is we have more and more veterans each and every day as a result of the wars that we are involved with. The number of disabled veterans has gone up, and we have seen the direct impact of underfunding veterans health with the terrible tragedy at Walter Reed and so many of our other hospitals.

That is one of the reasons why, when the Democratic majority took over this place in January, one of the first items of business was to increase veterans health. And in the conference report on the supplemental appropriations bill that is coming before us today, there are billions of dollars more for veterans health. If you want to help veterans, vote for the money. It is not about rhetoric; it is about action.

Secondly, in terms of fiscal policies, I think there was a reason for the result in the last elections. I think Americans, Democrats and Republicans, were horrified with the fiscal policies of the previous Republican majority. We went from huge surpluses under Bill Clinton and a huge economic boom under Bill Clinton to now record deficits. We have the largest debt in the history of our country. And I think most Americans, no matter what their party affiliation is, have been justifiably horrified by that result. They want a change. They want fiscal responsibility. That is why we are back to pay-as-you-go, and that is why we are for responsible tax relief. And that is what the Democratic majority is going to pursue.

Madam Speaker, the Small Business Lending Improvements Act will go a long way towards strengthening our Nation's small businesses by establishing much-needed improvements to the SBA's primary loan programs. Today we have an opportunity to encourage entrepreneurship, particularly for those who are socially or economically disadvantaged and those who

serve our Nation in the Armed Forces, and provide some additional opportunities for small business owners looking to expand.

I want to again commend my colleague from New York (Ms. VELÁZQUEZ) for her leadership in bringing this promising and long overdue legislation to the floor.

I think this is a fair rule. Everybody who wanted to offer a germane amendment to this bill could have done so. All the germane amendments are made in order. That is somewhat of a departure from the previous Congress, where we were routinely handed closed rules. So I would urge a ''yes'' vote on the previous question and on the rule.

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

AMENDMENT TO H. RES. 330 OFFERED BY REP. HASTINGS OF WASHINGTON

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 Buyer of Indiana 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:

Add at the end of the bill the following:

TITLE III—8(a) PROGRAM

SEC. 301. AUTHORITY TO AWARD CONTRACTS UNDER 8(a) PROGRAM TO SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following new subsection:

''(o) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

''(1) AWARD OF CONTRACTS.—The Administrator may award a contract under subsection (a) to a small business concern owned and controlled by service-disabled veterans on the same basis as a contract awarded under that subsection to a socially and economically disadvantaged small business concern.

''(2) ANNUAL CERTIFICATION REQUIRED.—The Administrator shall require each small business concern owned and controlled by service-disabled veterans that is a Program Participant under section 7(j)(15) or that is awarded a contract under subsection (a) to certify, on an annual basis, that such concern is a small business concern owned and controlled by service-disabled veterans within the meaning of section 3(q).

''(3) DISADVANTAGED OWNER.—For purposes of this section, in the case of a small business concern owned and controlled by service-disabled veterans, the term 'disadvantaged owner' means an owner who is a service-disabled veteran.''.

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

□ 1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 3 o'clock and 45 minutes p.m.

GENERAL LEAVE

Mr. WALZ of Minnesota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 121.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 330, by the yeas and nays;

Adopting House Resolution 330, if ordered;

Suspending the rules on H. Con. Res. 7, by the yeas and nays;

Suspending the rules on H.R. 1678, by the yeas and nays;

Suspending the rules on H.R. 493, 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.

PROVIDING FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 330, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 196, not voting 10, as follows:

[Roll No. 258]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
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
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
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
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
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
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 (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boehner
Cubin
Davis, Jo Ann
Hunter
King (IA)
Lampson
Serrano
Velázquez
Waxman
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1610

Mr. WALSH of New York and Mrs. BIGGERT changed their vote from ''yea'' to ''nay.''

Ms. WASSERMAN SCHULTZ changed her 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 resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING ON THE LEAGUE OF ARAB STATES TO ACKNOWLEDGE THE GENOCIDE IN DARFUR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 7, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 7, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 6, as follows:

[Roll No. 259]

YEAS—425

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 (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
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
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
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
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
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
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
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
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—1

Paul

NOT VOTING—6

Cubin
Davis, Jo Ann
Lampson
McNerney
Walz (MN)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1617

Mr. JORDAN of Ohio and Mr. SHAYS changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.''.

A motion to reconsider was laid on the table.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1678, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 1678.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 7, as follows:

[Roll No. 260]

YEAS—418

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 (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
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
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
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
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
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)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
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
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Burton (IN)
Duncan
Flake
Goode
Paul
Rohrabacher
Sali

NOT VOTING—7

Carter
Cubin
Davis, Jo Ann
Green, Gene
Lampson
Lewis (CA)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1625

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.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 260, had I been present, I would have voted "yea."

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 493, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 493, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 3, not voting 9, as follows:

[Roll No. 261]

YEAS—420

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 (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
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
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
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
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 (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
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
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
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
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
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
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Royce

NOT VOTING—9

Cannon
Cubin
Davis, Jo Ann
Feeney
Jones (NC)
Lampson
Musgrave
Shea-Porter
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1632

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.

Stated for:

Mr. CANNON. Madam Speaker, on rollcall No. 261, I was inadvertantly detained. Had I been present, I would have voted "yea."

Ms. SHEA-PORTER. Madam Speaker, on rollcall No. 261, had I been present, I would have voted "yea."

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and enter into the RECORD any extraneous material on the bill under consideration, H.R. 1332.

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

There was no objection.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 330 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. 1332.

□ 1635

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. 1332) to improve the access to capital programs of the Small Business Administration, 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.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Small businesses are this country's economic drivers, yet they continually face challenges that make it hard for them to succeed in today's marketplace. Entrepreneurs are already dealing with rising energy and health care costs as well as the increasing regulatory burden. The last thing they need is for accessing affordable capital to be another barrier in the way of their success.

What we continue to see is a steady increase in costs and a decrease in access for the very programs that are intended to help entrepreneurs. Over the

past 2 years, for the 7(a) program alone, costs have doubled for smaller loans, and the average loan size has declined by 37 percent.

A recent study released by the National Small Business Association found that access to capital is the number two concern for entrepreneurs. This means that it is more of a concern than taxes and even the regulatory burden.

The Small Business Lending Improvements Act of 2007 is a bipartisan effort introduced by Ms. BEAN and Mr. CHABOT. This bill will make loans more economical, while providing long-term stability for small business owners.

H.R. 1332 touches all aspects of the SBA lending initiative, including the 504 program.

Not only will this legislation put affordable financing back into the hands of entrepreneurs, but will also accomplish a number of important public policy initiatives. H.R. 1332 provides incentives for medical professionals to locate in low income areas, establishes a rural lender program, and allows for veterans to secure funds to start or expand their firms.

With the number of veterans returning from Iraq and Afghanistan, the need for affordable financing is more important than ever. When Congress passed the GI bill, we made a commitment to education and homeownership for veterans. Today we have an opportunity to show our commitment to their entrepreneurial endeavors.

Small businesses must have the ability to continue spurring economic growth and creating jobs. For these reasons, H.R. 1332 has the support of American Community Bankers, Independent Community Bankers of America, American Veterans, Credit Union National Association, National Small Business Association, Veterans of Foreign Wars, American Bankers Association, the U.S. Women's Chamber of Commerce, the U.S. Hispanic Chamber of Commerce and the American Dental Association.

I strongly urge my colleagues to vote for the Small Business Lending Improvements Act of 2007.

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

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, today, Madam Chairwoman and I rise to support H.R. 1332, the Small Business Lending Improvements Act of 2007. I want to especially thank the chairwoman and the gentlelady, Congresswoman BEAN, for working in a cooperative and bipartisan manner to bring this bill before the House, and I want to commend them for again working with us on this.

The Small Business Lending Improvements Act amends the Small Business Act to make necessary improvements and technical changes to the primary lending program offered by the Small Business Administration, the SBA, the 7(a) guaranteed loan program. H.R. 1332 also amends title V of the Small Business Investment Act of 1958 to make significant and necessary changes to the loan program, sometimes called the 504 loan program.

Before addressing the particulars of the legislation, it is important to note what H.R. 1332 does not do. The legislation does not modify the subsidy rate for the 7(a) guaranteed lending program. The subsidy rate for the program currently is zero. After this bill is enacted, the subsidy rate for the 7(a) lending program will be zero. In fact, if this bill attempted to modify the subsidy rate, it could not because it would require an appropriation. And of course, as an authorizing committee, we are unable to appropriate. So any argument that this bill will cost hundreds of millions or even billions of dollars over 10 years or so is just plain wrong.

At the correct time, I will oppose adding a subsidy for a program that works just fine without one.

And now, I turn my attention to what this bill does. The SBA charges a fee to borrowers which can be viewed as akin to paying points on a mortgage, which many people are familiar with doing. In addition, banks pay an ongoing fee each year on the amount of unpaid balance of the loan as guaranteed. Although some confusion exists about this point, I read the Small Business Act as authorizing the SBA to adjust the up front fee or points paid by borrowers in the same way that the SBA has the unquestioned authority to reduce fees to lenders. Despite the authority that the SBA has, the agency has not in recent memory reduced, except when dictated by Congress, the up front fees paid by borrowers. The SBA, on the other hand, has modified the annual fee paid by the lender. The SBA even testified at a committee hearing recently that it would be reducing the fees paid by lenders.

Section 101 does two very important things. First, it clarifies that the SBA has the authority to reduce or increase the fees paid by the borrower. This should resolve any confusion as to whether the SBA has the power to reduce the points or up front borrowing fee, as well as the annual fee paid by the lender. And as already noted, section 101 requires that these fees be calculated to arrive at a zero subsidy. That is so that the fees will cover the cost of the 7(a) loan program, without an appropriation, as I just mentioned. The section then goes on to restrict the administrator's discretion in only one regard; if an appropriation is made to support the 7(a) loan program, section 101 directs the administrator to first utilize the funds to reduce fees to borrowers and not lenders.

I support this change because the Small Business Act is, first and foremost, legislation designed to assist small businesses, not to assist small banks or any other banks. Therefore, the bill takes the logical step of directing that, should funds be made available, the administrator should reduce the fees to small businesses, not to banks.

Section 101 also requires that the administrator update quarterly the reduction in fees given available funding remaining. That makes sense, because if the SBA did not make that calculation, they would not know how much to reduce fees in an upcoming quarter, if at all. The need for this calculation simply recognizes that loan demand is not constant throughout the year and ensures that administrator properly allocates available funds. Once funds are exhausted, the legislation simply directs the administrator to operate the program at zero subsidy, the up front annual fees needed to cover the cost of the 7(a) loan program as if there was no appropriation.

Finally, to the extent that loan demand is not high, and there are sufficient funds available, the administrator may use any available extra funds to reduce the annual fee paid by banks. Although this is a possibility, the greater probability is that all funds will be utilized to reduce cost to small business owners.

There is more to H.R. 1332 than providing the administrator with a mechanism to reduce fees under the 7(a) loan program, if an appropriation is available. The guaranteed loan program is the largest of the SBA's financing programs, reaching the greatest number of businesses, yet there are businesses whose access to this program remains limited.

The SBA loan program is a fairly complex operation, and many banks, particularly community banks, do not have a sufficient loan volume to justify the expenses associated with a 7(a) loan program. This is particularly true for independent and community banks located in rural areas.

The bill requires the SBA to establish a low-document, or LowDoc, loan program for banks located in rural areas. To the extent that a rural community has no bank willing to participate in the program, there is nothing in the Small Business Act or the bill that prohibits a small business from using a rural lender not in the immediate vicinity.

Title I also makes the Community Express Loan Program permanent. I support this because I believe it can provide the same assistance to low income communities, including those in my district in Cincinnati, which would otherwise be provided under a more costly micro loan program.

In addition to providing greater assistance in rural communities and low income communities, the bill also reduces the cost of the 7(a) loans to veterans. In addition, the bill also provides for a reduction in fees to medical practitioners seeking to establish or expand practices in areas deficient of such practitioners. These are noble goals and deserve the support of all Members of the House.

Although title I is a significant achievement, I am particularly pleased

with title II of this bill. It modifies and strengthens the loan program operator pursuant to title V of the Small Business Investment Act of 1958.

Certified development companies, or CDCs, are vital to long-term economic and community development in many districts, including mine, around the country. CDCs operate to provide long-term, fixed rate financing for small business concerns who find their financing needs cannot be met due to the loan limits of the 7(a) loan program.

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And unlike many 7(a) lenders, CDCs must be locally based so they have a keen understanding of the needs of the communities they serve.

The first thing that title II does is change the name of the program. While this may sound minor, it is actually important. Colloquially, the program is known as the ''504 loan'' program for section 504 of title V of the Small Business Investment Act. This section authorizes the administrator to sell the loans made by the CDCs in a secondary market. It is not at all descriptive of the program or the entities involved in the program. By accurately describing the program, it will provide greater recognition to CDCs and enable them to better promote their important mission.

Section 202 makes important technical changes to the definitions in the CDC program, including, most importantly, defining the term ''certified development company.'' As a corollary, title II eliminates the outdated term ''qualified State and local development company'' from the Small Business Investment Act of 1958.

In my estimation section 203 is the most important provision in the bill. It statutorily establishes the procedures by which the SBA designates entities as CDCs. The most important requirement of these statutory procedures is the mandate that the CDC have local board members familiar with the economic development needs of their communities. Even though the bill authorizes expansion only into neighboring States, the CDC must have representatives that understand the local economic development needs of the new State of operation.

Another very important aspect of the bill authorizes CDCs to perform their own liquidations. Data that I have seen shows that current loan liquidation returns are about 20 cents on the dollar. Think of that. Only 20 cents on the dollar liquidation rate. That is very inadequate. By having CDCs with their local expertise perform liquidations, the government should get a better return when a loan goes bad, and that should save the taxpayers money.

Title II also makes other changes that will benefit greater financial opportunities to small businesses under the CDC program. Together all these changes made will ensure a robust CDC program that will spur economic development.

For these reasons I ask my colleagues to support passage of this important bill.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. BEAN), who is a member of the Small Business Committee and sponsor of the legislation.

(Ms. BEAN asked and was given permission to revise and extend her remarks.)

Ms. BEAN. Mr. Chairman, the Small Business Lending Improvements Act of 2007, which I introduced earlier this year, was recently reported out of the Committee on Small Business, without objection, and I am pleased that it is being given consideration on the House floor today.

I would like to begin by thanking Chairwoman VELÁZQUEZ and Ranking Member CHABOT for cosponsoring this legislation and for their leadership in moving this bill forward. The expedited consideration of this bill, as well as the bipartisan support it has received, underscores the importance of ensuring access to capital to our small business community.

I am also very appreciative of the expert assistance provided by the House Small Business Committee staff, especially Michael Day, whose work on this issue has been invaluable.

Having been a small business owner myself, I can appreciate the challenges that entrepreneurs and small business owners face in gaining access to the capital that they need to grow. That is why I have long been active in my support of measures to improve and expand the SBA loan programs, which offer low-interest, long-term loans, not subsidies, to business owners seeking affordable options.

This bill is no exception. H.R. 1332 makes much-needed changes to SBA's lending initiatives and, most importantly, helps to preserve the original intent of these programs, to help make available affordable sources of financing. This is of particular importance as the cost of capital through these programs has risen rapidly over the last few years, stifling plans for both new businesses and those ready for plant and equipment expansion. This bill helps to reverse this discouraging trend by supporting our entrepreneurs and not stifling their visions for growth.

In addition, H.R. 1332 addresses the need for lending in our rural communities by restoring the LowDoc program and by strengthening the 504 initiative, which is integral in stimulating economic growth in rural America.

Together, these initiatives will streamline and reduce the fees for SBA's lending programs, making it easier for small lenders to participate. Local economies throughout the country will benefit from new jobs and economic development that will occur in their communities as a result.

Again, I commend the work of the Small Business Committee, under the leadership of Chairwoman VELÁZQUEZ, for recognizing the need for this legislation and prioritizing it relative to other committee work. Small businesses are the backbone of our Nation's economic stimulus, driving 80 percent of domestic job growth, and their success is dependent upon their ability to grow and to expand. This legislation helps provide them with the fundamental tools they need to do so.

I urge your support of this bill.

Mr. CHABOT. Mr. Chairman, I would like to yield such time as she may consume to the gentlewoman from Oklahoma (Ms. FALLIN) for the purpose of entering into a colloquy with the gentlewoman from New York.

Ms. FALLIN. Mr. Chairman, I thank the ranking member for yielding.

I would now like to yield to the gentlelady from New York for the purposes of entering into a colloquy.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlelady for yielding.

I know that the gentlelady has worked tirelessly to ensure that certain independently owned and operated franchises are afforded access to the SBA's 7(a) loan program. You have my assurance that I will work to address this concern as the bill moves forward.

Ms. FALLIN. Thank you.

Mr. Chairman, reclaiming my time, it is my goal to address the issue of certain franchisees, who by all intents and purposes are small businesses, not being allowed to receive 7(a) loans due to their affiliation with larger franchisors.

I believe the Small Business Lending Improvements Act should eventually contain language to modify the SBA's affiliation standard to allow that a business, if it is affiliated with another business and therefore determined to be something other than small, to still be eligible for a loan if it has no financial recourse to its affiliates for repayment of any of its debt.

These businesses operate financially independent of their franchisor and therefore operate like all other small businesses, and I believe they should be offered the same opportunity to receive the 7(a) loans as any other small business.

I ask that the gentlelady work with me to address this issue in the underlying legislation.

Ms. VELÁZQUEZ. Mr. Chairman, again I thank the gentlewoman for raising this important issue. I agree that this is an issue that we need to address, and I will make a commitment to work with you and your staff as this legislation heads to conference.

Ms. FALLIN. Mr. Chairman, I thank the chairwoman and ranking member for their work on this issue.

Mr. CHABOT. Mr. Chairman, I want to commend the gentlewoman from Oklahoma for her work on this issue. I know she has worked very hard to make this happen. So I want to commend her for that.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ), a member of the Small Business Committee.

Mr. GONZALEZ. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I rise today to express my strong support for H.R. 1332, the Small Business Lending Improvements Act of 2007.

I want to express my special thanks to the chairwoman of the Small Business Committee, NYDIA VELÁZQUEZ, as well as Ranking Member STEVE CHABOT, for their leadership in bringing this important bill which has strong bipartisan support to the floor today. I am honored to work with these fine leaders as we strive to support the small business community of this Nation.

The Small Business Lending Improvements Act of 2007 will boost our economic might by expanding entrepreneurs' access to capital through the Small Business Administration's 7(a) and 504 programs. The 7(a) and 504 programs are the SBA's largest in terms of number of loans made and amount of funds made available to small businesses. In fact, over the last decade, the SBA has approved more than 424,000 loans for over $90 billion. Furthermore, the programs operate as public-private partnerships to provide important financing for small firms through private sector lenders, greatly limiting costs to the United States Government.

Despite the positive impact of these programs, they must now be modernized and strengthened in order to continue to meet their goals. The Small Business Lending Improvements Act of 2007 provides much-needed changes to these programs. Provisions of this bill will give the SBA the authority to contribute funds for the purpose of reducing the burden associated with borrower and lender fees on 7(a) loans. It will also make it easier for rural lenders to assist local small businesses. It will increase access to capital for socially and economically disadvantaged small businesses. It will improve access to the program for medical professionals in health professional shortage areas. And, finally, it will expand opportunities for veterans to obtain such loans.

I think all of us in this Chamber often enough go back to our districts, and all small businesses will tell us that the greatest challenge is the lack of access to capital. This is a first step in addressing that very important challenge.

Mr. CHABOT. Mr. Chairman, I have no further requests for time, and I will continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER), a member of the Small Business Committee.

Mr. SHULER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise today in support of H.R. 1332, the Small Business Lending Improvements Act of 2007.

As an entrepreneur, I understand the difficulties that small business owners face on a daily basis. I also know that small businesses are the backbone of our economy, both nationally and in western North Carolina.

Small businesses account for over half of all of our jobs in the U.S. and are responsible for 60 to 80 percent of all of our new jobs. For our small businesses to continue to grow and prosper, we must help them gain access to capital.

The bill will grant American entrepreneurs that access to capital by updating and streamlining SBA's 7(a) and 504 loan programs. Additionally, this bill will eliminate loan fees for veterans returning from Iraq and Afghanistan.

As a member of the Small Business Committee, I urge all Members to support this important legislation.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I want to thank the gentlewoman for yielding. I also want to commend her for her outstanding leadership on this issue and other important issues that face this Congress.

And I want to also commend the ranking member, Mr. CHABOT, for his outstanding leadership on this particular issue.

Mr. Chairman, today I rise in strong support of H.R. 1332, the Small Business Lending Improvements Act of 2007.

As a former small business owner and an advocate for minority entrepreneurship and franchising, I might add, I am pleased that this legislation would target money more aggressively and efficiently towards small businesses and finally put them in a position to compete.

Mr. Chairman, the Small Business Administration's support of communities like my own in the First Congressional District of Illinois needs to be improved. One of the services that I provide to my constituents is monthly small business development seminars that we are conducting in cooperation with the local SBA. Also, I have hosted two franchise fairs to educate and engage my constituents on the power of minority entrepreneurship.

Mr. Chairman, one of the biggest issues raised is the accessibility of the SBA loans. Small business owners and startups have a hard time navigating the SBA. This important legislation bridges the financial gap for small business owners, particularly minority businesses. These owners are trying to create economic opportunities. They are trying to create jobs, and they are trying to increase the competition of goods and services. Not only do they need and deserve our support, but, Mr. Chairman, by focusing on these urban business pioneers, we honor the entrepreneur spirit that this Nation was built on.

I encourage my colleagues to support this legislation.

I fully support this bill's provision of:

Establishing a small bank outreach division;

Increasing capital for socially and economically disadvantaged small businesses; and

Completely eliminating loan fees to veteran-owned small businesses.

Mr. Chairman, this bill ensures that the mission and goals of the Small Business Administration are not only being maintained but that their standards for aggressive outreach, increasing access and promoting equitable lending are raised.

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Ms. VELÁZQUEZ. I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a former member of the Small Business Committee.

Mrs. JONES of Ohio. I want to thank the Chair of this wonderful committee, NYDIA VELÁZQUEZ. I was on this committee when I came to Congress, and she helped me understand what legislative bodies were all about, and I want to thank her for her leadership because many times people want to give small business to the Republican Party, but this Chair has shown that small business is a Democratic as well as a Republican issue. And I thank my colleague from Ohio (Mr. CHABOT) for the work that he has done.

Today, I rise in support of H.R. 1332, the Small Business Lending Improvements Act of 2007. This act is a tremendous effort to adapt the sometimes arcane SBA rules to the American businesswoman.

Among the impressive provisions of this act are a requirement to authorize SBA loans for projects that reduce energy consumption by at least 10 percent. In addition, the rural lending outreach program sends a great message to our small businesses in rural areas, who sometimes have to manage isolation and lack of resources because they have no proximity.

In addition, by making the Community Express Program permanent, you provide an attractive incentive for the erstwhile disenfranchised entrepreneurs to set up legitimate businesses. These businesses help to keep families together, and eventually contribute to our tax base.

I am from Cleveland, Ohio, which at the moment is said to be the poorest city in the Nation. Ninety-five percent of the private sector jobs are provided by small businesses. Therefore, the creation of jobs and growth of our small businesses is vital to our economic recovery.

The Small Business Administration's 7(a) lending program is essential for small business owners who cannot access capital through conventional markets. However, the program has been and is currently underfunded, and the burden has been shifting increasingly onto small business owners. Recent

changes to the program have increased the fees to access 7(a) programs, which diminishes access of small business owners.

I want to thank the chairwoman and the ranking member for their leadership around this issue. I want to thank you for the opportunity to be heard. And small business is not only a Republican issue, it is a Democratic issue. It's an American issue.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

I want to again thank the chairwoman for her leadership on this particular piece of legislation, which I think is very good for small businesses across the country.

Mr. Chairman, as was mentioned in the Rules Committee yesterday I believe by Mr. DREIER, it's preferable for small businesses to get their loans through the private sector if they're able to do so. And as one who believes in less government as opposed to more government, that would certainly be my preference. But there are some cases in which the private sector at this point just wouldn't cover those particular entities, some of the start-up small businesses, especially some in struggling areas, some disadvantaged areas as we have in some urban areas, and some rural areas as well. And so there is an appropriate place for 7(a) loans and the 504 loans. As I mentioned, the name of that particular program is going to be changed as a result of this bill.

I think these are vital improvements. A streamlining of the process will be helpful to small businesses all across the country. I think we have a responsibility to improve the climate for small businesses, especially when one considers that somewhere between 60 and 80 percent of the new jobs that are created in this country are created not by large corporations, but by small businesses. So I think this bill helps businesses who need it most. I think this is a good bill, and so I urge my colleagues to support it.

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

Ms. VELAZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this week is Small Business Week, a time to honor entrepreneurs for the contributions they make to this country. Small businesses create three out of every four new jobs. They are the economic backbone, and our largest job creators.

However, it is not easy to be a small business owner. They struggle every day to provide health care for their employees, to comply with increasing regulatory burdens, and to access financing to keep their businesses up and running.

This week, rather than just talk about supporting our Nation's 26 million small businesses, we have an opportunity to do something, provide them with the support they deserve, and ensure it is not a struggle to access much needed capital.

H.R. 1332 will make loans more economical while providing long-term stability for small business owners. Ensuring loans are affordable and that relief from rising capital costs is available is critical for small firms to remain a driving force in today's economy. Let's put the money back into the hands of entrepreneurs where it belongs.

I want to thank the ranking member, Mr. CHABOT, for his work and his leadership in working with me on this legislation. I also want to thank the staff that worked on this bill; from the minority staff, Mike Smullen, Barry Pineles and Kevin Fitzpatrick; and from the majority staff, Michael Day, Adam Minehardt, Andy Jiminez and Tim Slattery, and Elizabeth Hart and Sam Hodas from Representative BEAN's staff.

I strongly urge my colleagues to vote for the Small Business Lending Improvements Act of 2007.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of H.R. 1332, the Small Business Lending Improvements Act. As a member of Congress, I have been a strong supporter of our Nation's small businesses. Already this week, we have debated bills seeking to ensure that America remains competitive in the global economy, and, in doing so, we have recognized the importance of ongoing technological innovation. Small businesses comprise an important segment of this process of development; by acting as a catalyst within our economy, they spur growth for all sectors of business.

Small businesses represent the American dream, and they define the American economy. These businesses currently account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. However, to keep this sector of the economy thriving, small businesses require access to loans to initiate, develop, and expand their range of goods and services. The Small Business Administration (SBA), a Federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

By streamlining the SBA's two largest finance programs directed at small businesses, H.R. 1332 would offer these businesses the crucial tools that they need to be successful in today's marketplace. This bill gives the SBA authority to contribute funds to reduce the burden associated with borrower and lender fees on 7(a) loans, making these loans more economical, without upsetting the program's current stability.

H.R. 1332 also creates several new loan programs under the 7(a) umbrella. It specifically reaches out to rural lenders, reducing their 7(a) loan paperwork. It makes permanent the Community Express Program, granting improved access to capital for socially and economically disadvantaged small businesses. It recognizes the I need for doctors and dentists in federally designated Health Professional Shortage Areas, and establishes a program to reduce borrower and lender fees in these areas. Finally, this bill offers help to our returning veterans, those who have served our Nation bravely in Iraq and Afghanistan, to establish and expand their own businesses. In addition to all these programs, H.R. 1332 seeks to establish a Small Bank Outreach division within SBA. This new division would provide direct support to community banks participating in the 7(a) program, and would enable these local banks to make loans to a wider range of deserving businesses. It would also work to strengthen local economies by providing lenders deemed Certified Development Companies with a range of tools to grant loans to businesses within their own communities.

As we consider what we as a Congress might do to make our Nation more economically secure, and to continue to augment our position within the global economy, it is crucial that we focus on the importance of small businesses. Small business owners are leaders in innovation, creative business operations and new technologies and products. I continue to believe that the success of our economy is dependent on these businesses. I urge my colleagues to support this bill, and to continue to assist small business owners to realize their potential.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 1332, the Small Business Lending Improvements Act of 2007.

As we celebrate Small Business Week, it is only appropriate that we recognize the enormous contribution of small businesses to our economy by passing legislation that would facilitate access to capital. Without ready access to capital, small businesses are often forced to turn to more costly lending alternatives, including credit cards, which carry high interest rates and fees. Without access to financing, companies are unable to target new markets, grow, or hire new workers.

Currently, the SBA's 7(a) and 504 programs are the only federal lending programs available to small businesses and there are no federal grants for starting and/or financing small businesses. The SBA 7(a) and 504 programs were created to help small businesses gain access to affordable financing. However, these programs are in dire need to be modernized and strengthened if they are to continue to meet their important goals.

H.R. 1332 would make these necessary changes by updating and streamlining the 7(a) loan programs by reducing fees, make the Community Express Program permanent and reduce the paperwork generated by these loans. As a physician and Chair of the Congressional Black Caucus Health Braintrust, I am pleased that this bill also includes a provision to adapt the 7(a) program to improve access to the program for medical professionals in health professional shortage areas. Physicians are viewed first and foremost as health care providers but they are also small businesses and in today's economic environment many are struggling to stay afloat.

Mr. Chairman, I join the many organizations that support the passage this bill and urge my colleagues to support the bill as well. I would like to commend Chairwoman VELÁZQUEZ for her continued leadership and congratulate her and Ranking Member CHABOT for bringing this bill to the House floor.

Mr. INSLEE. Mr. Chairman, I thank the Chairwoman and Ranking Member for their this issue. I rise today to support my amendment to the Small Business Lending Improvements Act (H.R. 1332) which would add an eligibility area to Section 504 loans. My amendment will ensure that American entrepreneurs

have the opportunity to start, build and, grow green small businesses by adding a sustainable design or low-impact design to the public policy goals of this lending program.

This common-sense amendment would decrease long-term operating costs for small business owners, stimulate green building technologies, create a better work environment for employees and reduce carbon emissions in the United States.

Buildings account for one-third of carbon emissions per year. It is important that we help small business owners make sustainable choices that they might not otherwise make due to cost, or simply due to the fact that some of these technologies are new. My amendment will help SBA expand their financing structure to help businesses use sustainable building standards, such as LEED certified, which have a minimal impact on our environment. Currently, SBA loans can help a company upgrade to required standards, but very few Small Business Loans have helped owners choose green building standards.

Furthermore, green buildings benefit workers. Case studies show examples of 2 to 16 percent increase in productivity in among employees who work in buildings that incorporate sustainable building design.

Sustainable design and green building practices are easy and available. An excellent example of how this can be done, and why green technologies help small businesses and the community, is the Snoqualmie Gourmet Ice Cream factory in Maltby, Wash. I recently toured this factory, which is Snohomish County's first sustainable commercial project, owned by Barry Bettinger. Barry used Small Business Administration (SBA) loans for low impact development strategies. With assistance from the Sustainable Development Task Force, he used technologies to cut his lighting costs by 50 percent, reduce his water usage by 40 percent and reduce energy for cooling fans by 75 percent.

I hope that the SBA and experts in sustainable design such as the National Institute of Building Sciences will work together to develop meaningful standards in this eligibility area of sustainable design.

Congress has a huge opportunity here to further improve the small business lending program to meet goals of reducing energy consumption in this country. Thank you for supporting this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill will be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1332

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 ''Small Business Lending Improvements Act of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—7(A) PROGRAM

Sec. 101. Authority for fee contributions.
Sec. 102. Rural Lending Outreach Program.
Sec. 103. Community Express program made permanent.
Sec. 104. Medical Professionals in Designated Shortage Areas Program.
Sec. 105. Increased Veteran Participation Program.
Sec. 106. Alternative size standard.
Sec. 107. Support to regional offices.

TITLE II—CERTIFIED DEVELOPMENT COMPANY ECONOMIC DEVELOPMENT LOAN PROGRAM

Sec. 201. Certified Development Company Economic Development Loan Program.
Sec. 202. Definitions.
Sec. 203. Eligibility of development companies to be designated as certified development companies.
Sec. 204. Definition of rural areas.
Sec. 205. Businesses in low-income areas.
Sec. 206. Combinations of certain goals.
Sec. 207. Refinancing.
Sec. 208. Additional equity injections.
Sec. 209. Loan liquidations.
Sec. 210. Closing costs.
Sec. 211. Maximum Certified Development Company and 7(a) loan eligibility.
Sec. 212. Eligibility for energy efficiency projects.
Sec. 213. Loans for plant projects used for energy-efficient purposes.
Sec. 214. Extension of period during which loss reserves of premier certified lenders determined on the basis of outstanding balance of debentures.
Sec. 215. Extension of alternative loss reserve pilot program for certain premier certified lenders.

TITLE I—7(A) PROGRAM

SEC. 101. AUTHORITY FOR FEE CONTRIBUTIONS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (18)(A) by striking ''shall collect'' and inserting ''shall assess and collect'';

(2) in paragraph (18) by adding at the end the following:

''(C) OFFSET.—The Administrator may, as provided in paragraph (32), offset fees assessed and collected under subparagraph (A).'';

(3) in paragraph (23) by striking subparagraph (C) and adding at the end the following:

''(C) OFFSET.—The Administrator may, as provided in paragraph (32), offset fees assessed and collected under subparagraph (A).''; and

(4) by adding at the end the following:

''(32) FEE CONTRIBUTIONS.—

''(A) IN GENERAL.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall—

''(i) first consider contributing to fees paid by small business borrowers under clauses (i) through (iii) of paragraph (18)(A), to the maximum extent possible; and

''(ii) then consider contributing to fees paid by small business lenders under paragraph (23)(A).

''(B) QUARTERLY ADJUSTMENT.—Each fee contribution under subparagraph (A) shall be effective for one fiscal quarter and shall be adjusted as necessary for each fiscal quarter thereafter to ensure that the amounts under subparagraph (A) are fully used. The fee contribution for a fiscal quarter shall be based on the loans that the Administrator projects will be made during that fiscal quarter, given the program level authorized by law for that fiscal year and any other factors that the Administrator considers appropriate.''.

SEC. 102. RURAL LENDING OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (25)(C); and

(2) by adding at the end the following:

''(33) RURAL LENDING OUTREACH PROGRAM.—The Administrator shall carry out a rural lending outreach program to provide up to an 85 percent guaranty for loans of $250,000 or less. The program shall be carried out only through lenders located in rural areas (as 'rural' is defined in section 501(f) of the Small Business Investment Act of 1958). For a loan made through the program, the following shall apply:

''(A) The Administrator shall approve or disapprove the loan within 36 hours.

''(B) The program shall use abbreviated application and documentation requirements.

''(C) Minimum credit standards, as the Administrator considers necessary to limit the rate of default on loans made under the program, shall apply.''.

SEC. 103. COMMUNITY EXPRESS PROGRAM MADE PERMANENT.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(34) COMMUNITY EXPRESS PROGRAM.—The Administrator shall carry out a Community Express Program for loans of $250,000 or less. For a loan made under this paragraph, the following shall apply:

''(A) The loan shall be made to a business concern—

''(i) the majority ownership interest of which is directly held by individuals who are women, socially or economically disadvantaged individuals (as defined by the Administrator), or veterans of the Armed Forces; or

''(ii) that is located in a low- or moderate-income area, as defined by the Administrator.

''(B) The loan shall comply with the collateral policy of the Administration, except that, if the amount of the loan is less than or equal to $25,000, the Administration shall not require the lender to take collateral.

''(C) The loan shall include terms requiring the lender to ensure that technical assistance is provided to the borrower, through the lender or a third-party provider.

''(D) The Administration shall approve or disapprove the loan within 36 hours.''.

(b) NOTICE AND COMMENT.—The program required by section 7(a)(34) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

SEC. 104. MEDICAL PROFESSIONALS IN DESIGNATED SHORTAGE AREAS PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(35) MEDICAL PROFESSIONALS IN DESIGNATED SHORTAGE AREAS PROGRAM.—The Administrator shall carry out a Medical Professionals in Designated Shortage Areas Program. For a loan made under this paragraph, the following shall apply:

''(A) The loan shall be made to a business concern that provides properly licensed medical, dental, or psychiatric services to the public.

''(B) The loan shall be for the purpose of opening a business concern in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

''(C) The loan shall include the participation by the Administration equal to 90 percent of the balance of the financing outstanding at the time of disbursement.

''(D) The fees on the loan under paragraphs (18) and (23) shall be reduced by half.''.

(b) NOTICE AND COMMENT.—The program required by section 7(a)(35) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

SEC. 105. INCREASED VETERAN PARTICIPATION PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(36) INCREASED VETERAN PARTICIPATION PROGRAM.—The Administrator shall carry out an Increased Veteran Participation Program. For a loan made under this paragraph, the following shall apply:

''(A) The loan shall be made to a business concern the majority ownership interest of which is directly held by individuals who are veterans of the Armed Forces.

''(B) The loan shall include the participation by the Administration equal to 90 percent of the balance of the financing outstanding at the time of disbursement.

''(C) The fees on the loan under paragraphs (18) and (23) shall not apply.''.

(b) NOTICE AND COMMENT.—The program required by section 7(a)(36) of the Small Business Act, as added by subsection (a), shall be established after the opportunity for notice and comment and not later than 180 days after the date of the enactment of this Act.

SEC. 106. ALTERNATIVE SIZE STANDARD.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) In addition to any other size standard under this subsection, the Administrator shall establish, and permit a lender making a loan under section 7(a) and a lender making a loan under the development company loan program to use, an alternative size standard. The alternative size standard shall be based on factors including maximum tangible net worth and average net income.''.

(b) APPLICABILITY.—Until the Administrator establishes, under section 3(a)(5) of the Small Business Act (as added by subsection (a)), an alternative size standard in the case of a lender making a loan under section 7(a) of that Act, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, shall apply to such a case.

SEC. 107. SUPPORT TO REGIONAL OFFICES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(37) SUPPORT TO REGIONAL OFFICES.—The Administrator shall carry out a program, within an element of the Administration already in existence as of the date of the enactment of the Small Business Lending Improvements Act of 2007, to provide support to regional offices of the Administration in assisting small lenders who do not participate in the preferred lender program to participate in the 7(a) program.''.

TITLE II—CERTIFIED DEVELOPMENT COMPANY ECONOMIC DEVELOPMENT LOAN PROGRAM

SEC. 201. CERTIFIED DEVELOPMENT COMPANY ECONOMIC DEVELOPMENT LOAN PROGRAM.

Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c); and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) The program to provide financing to small businesses by guarantees of loans under this Act which are funded by debentures guaranteed by the Administration may be known as the 'Certified Development Company Economic Development Loan Program'.''.

SEC. 202. DEFINITIONS.

Section 103(6) of the Small Business Investment Act of 1958 (15 U.S.C. 662(6)) is amended to read as follows:

''(6) the term 'development company' means an entity incorporated under State law with the authority to promote and assist the growth and development of small-business concerns in the areas in which it is authorized to operate by the Administration, and the term 'certified development company' means a development company which the Administration has determined meets the criteria of section 506;''.

SEC. 203. ELIGIBILITY OF DEVELOPMENT COMPANIES TO BE DESIGNATED AS CERTIFIED DEVELOPMENT COMPANIES.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

''SEC. 506. CERTIFIED DEVELOPMENT COMPANIES.

''(a) AUTHORITY TO ISSUE DEBENTURES.—A development company may issue debentures pursuant to this Act if the Administration certifies that the company meets the following criteria:

''(1) SIZE.—The development company is required to be a small concern with fewer than 500 employees and not under the control of any entity which does not meet the Administration's size standards as a small business, except that any development company which was certified by the Administration prior to December 31, 2005 may continue to issue debentures.

''(2) PURPOSE.—The primary purpose of the development company is to benefit the community by fostering economic development to create and preserve jobs and stimulate private investment.

''(3) PRIMARY FUNCTION.—The primary function of the development company is to accomplish its purpose by providing long term financing to small businesses by the utilization of the Certified Development Company Economic Development Loan Program. It may also provide or support such other local economic development activities to assist the community.

''(4) NON-PROFIT STATUS.—The development company is a non-profit corporation, except that a development company certified by the Administration prior to January 1, 1987, may retain its status as a for-profit corporation.

''(5) GOOD STANDING.—The development company is in good standing in its State of incorporation and in any other State in which it conducts business, and is in compliance with all laws, including taxation requirements, in its State of incorporation and in any other State in which it conducts business.

''(6) MEMBERSHIP.—The development company has at least 25 members (or stockholders if the corporation is a for-profit entity), none of whom may own or control more than 10 percent of the company's voting membership, consisting of representation from each of the following groups (none of which are in a position to control the development company):

''(A) Government organizations that are responsible for economic development.

''(B) Financial institutions that provide commercial long term fixed asset financing.

''(C) Community organizations that are dedicated to economic development.

''(D) Businesses.

''(7) BOARD OF DIRECTORS.—The development company has a board of directors that—

''(A) is elected from the membership by the members;

''(B) represents at least three of the four groups enumerated in subsection (a)(6) and no group is in a position to control the company; and

''(C) meets on a regular basis to make policy decisions for such company.

''(8) PROFESSIONAL MANAGEMENT AND STAFF.—The development company has full-time professional management, including a chief executive officer to manage daily operations, and a full-time professional staff qualified to market the Certified Development Company Economic Development Loan Program and handle all aspects of loan approval and servicing, including liquidation, if appropriate. The development company is required to be independently managed and operated to pursue its economic development mission and to employ its chief executive officer directly, with the following exceptions:

''(A) A development company may be an affiliate of another local non-profit service corporation (specifically excluding another development company) whose mission is to support economic development in the area in which the development company operates. In such a case:

''(i) The development company may satisfy the requirement for full-time professional staff by contracting with a local non-profit service corporation (or one of its non-profit affiliates), or a governmental or quasi-governmental agency, to provide the required staffing.

''(ii) The development company and the local non-profit service corporation may have partially common boards of directors.

''(B) A development company in a rural area (as defined in section 501(f)) shall be deemed to have satisfied the requirements of a full-time professional staff and professional management ability if it contracts with another certified development company which has such staff and management ability and which is located in the same general area to provide such services.

''(C) A development company that has been certified by the Administration as of December 31, 2005, and that has contracted with a for-profit company to provide services as of such date may continue to do so.

''(b) AREA OF OPERATIONS.—The Administration shall specify the area in which an applicant is certified to provide assistance to small businesses under this title, which may not initially exceed its State of incorporation unless it proposes to operate in a local economic area which is required to include part of its State of incorporation and may include adjacent areas within several States. After a development company has demonstrated its ability to provide assistance in its area of operations, it may request the Administration to be allowed to operate in one or more additional States as a multi-state certified development company if it satisfies the following criteria:

''(1) Each additional State is contiguous to the State of incorporation, except the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific ocean.

''(2) It demonstrates its proficiency in making and servicing loans under the Certified Development Company Economic Development Loan Program by—

''(A) requesting and receiving designation as an accredited lender under section 507 or a premier certified lender under section 508; and

''(B) meeting or exceeding performance standards established by the Administration.

''(3) The development company adds to the membership of its State of incorporation additional membership from each additional State and the added membership meets the requirements of subsection (a)(6).

''(4) The development company adds at least one member to its board of directors in the State of incorporation, providing that added member was selected by the membership of the development company.

''(5) The company meets such other criteria or complies with such conditions as the Administration deems appropriate.

''(c) PROCESSING OF EXPANSION APPLICATIONS.—The Administration shall respond to the request of a certified development company for certification as a multi-state company on an expedited basis within 30 days of receipt of a completed application if the application demonstrates that the development company meets the requirements of subsection (b)(1) through (b)(4).

''(d) USE OF FUNDS LIMITED TO STATE WHERE GENERATED.—Any funds generated by a development company from making loans under the Certified Development Company Economic Development Loan Program which remain after payment of staff, operating and overhead expenses shall be retained by the development company as a reserve for future operations, for expanding its area of operations in a local economic area as authorized by the Administration, or for investment in other local economic development activity in the State from which the funds were generated.

''(e) ETHICAL REQUIREMENTS.—

''(1) IN GENERAL.—Certified development companies, their officers, employees and other staff, shall at all times act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. No one may serve as an officer, director or chief executive officer of more than one certified development company.

''(2) PROHIBITED CONFLICT IN PROJECT LOANS.—As part of a project under the Certified Development Company Economic Development Loan Program, no certified development company may recommend or approve a guarantee of a debenture by the Administration that is collateralized by a second lien position on the property being constructed or acquired and also provide, or be affiliated with a corporation or other entity, for-profit or non-profit, which provides, financing collateralized by a first lien on the same property. A business development company that was participating as a first mortgage lender, either directly or through an affiliate, for the Certified Development Company Economic Development Loan Program in either fiscal years 2004 or 2005 may continue to do so.

''(3) OTHER ECONOMIC DEVELOPMENT ACTIVITIES.—Operation of multiple programs to assist small business concerns in order for a certified development company to carry out its economic development mission shall not be deemed a conflict of interest, but notwithstanding any other provision of law, no development company may accept funding from any source, including but not limited to any department or agency of the United States Government—

''(A) if such funding includes any conditions, priorities or restrictions upon the types of small businesses to which they may provide financial assistance under this title; or

''(B) if it includes any conditions or imposes any requirements, directly or indirectly, upon any recipient of assistance under this title unless the department or agency also provides all of the financial assistance to be delivered by the development company to the small business and such conditions, priorities or restrictions are limited solely to the financial assistance so provided.''.

SEC. 204. DEFINITION OF RURAL AREAS.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following new subsection:

''(f) As used in subsection (d)(3)(D), the term 'rural' shall include any area other than—

''(1) a city or town that has a population greater than 50,000 inhabitants; and

''(2) the urbanized area contiguous and adjacent to such a city or town.''.

SEC. 205. BUSINESSES IN LOW-INCOME AREAS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended by inserting after ''business district revitalization'' the following: ''or expansion of businesses in low-income communities that would be eligible for new market tax credit investments under section 45D of the Internal Revenue Code of 1986 (26 U.S.C. 45D)''.

SEC. 206. COMBINATIONS OF CERTAIN GOALS.

Section 501(e) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)) is amended by adding at the end the following:

''(7) A small business concern that is unconditionally owned by more than one individual, or a corporation whose stock is owned by more than one individual, is deemed to achieve a public policy goal under subsection (d)(3) if a combined ownership share of at least 51 percent is held by individuals who are in one of the groups listed as public policy goals specified in subsection (d)(3)(C) or (d)(3)(E).''.

SEC. 207. REFINANCING.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT REFINANCING.—Any financing approved under this title may also include a limited amount of debt refinancing for debt that was not previously guaranteed by the Administration. If the project involves expansion of a small business which has existing indebtedness collateralized by fixed assets, any amount of existing indebtedness that does not exceed one-half of the project cost of the expansion may be refinanced and added to the expansion cost, providing—

''(A) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon or to purchase equipment;

''(B) the borrower has been current on all payments due on the existing debt for at least the past year; and

''(C) the financing under the Certified Development Company Economic Development Loan Program will provide better terms or rate of interest than now exists on the debt.''.

SEC. 208. ADDITIONAL EQUITY INJECTIONS.

Clause (ii) of section 502(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)) is amended to read as follows:

''(ii) FUNDING FROM INSTITUTIONS.—

''(I) If a small business concern provides the minimum contribution required under paragraph (C), not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

''(II) If a small business concern provides more than the minimum contribution required under paragraph (C), any excess contribution may be used to reduce the amount required from the institutions described in subclauses (I), (II), and (III) of clause (i) except that the amount from such institutions may not be reduced to an amount less than the amount of the loan made by the Administration.''.

SEC. 209. LOAN LIQUIDATIONS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PARTICIPATION.—

''(1) MANDATORY.—Any certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section or which the Administration determines to be ineligible for such authority shall contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. The contract shall be contingent upon approval by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) COMMENCEMENT.—The provisions of this subsection shall not require any development company to liquidate defaulted loans until the Administration has adopted and implemented a program to compensate and reimburse development companies as provided under subsection (f).

''(f) COMPENSATION AND REIMBURSEMENT.—

''(1) REIMBURSEMENT OF EXPENSES.—The Administration shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities if the expenses—

''(A) were approved in advance by the Administration either specifically or generally; or

''(B) were incurred by the company on an emergency basis without Administration prior approval but which were reasonable and appropriate.

''(2) COMPENSATION FOR RESULTS.—The Administration shall develop a schedule to compensate and provide an incentive to qualified State or local development companies which foreclose and liquidate defaulted loans. The schedule shall be based on a percentage of the net amount recovered but shall not exceed a maximum amount. The schedule shall not apply to any foreclosure which is conducted pursuant to a contract between a development company and a qualified third-party to perform the foreclosure and liquidation.''.

SEC. 210. CLOSING COSTS.

Paragraph (4) of section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended to read as follows:

''(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture plus, at the election of the borrower under the Certified Development Company Economic Development Loan Program, other amounts attributable to the administrative and closing costs of such loans, except for the borrower's attorney fees;''.

SEC. 211. MAXIMUM CERTIFIED DEVELOPMENT COMPANY AND 7(A) LOAN ELIGIBILITY.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended by adding at the end the following:

''(C) COMBINATION FINANCING.—Financing under this title may be provided to a borrower in the maximum amount provided in this subsection, plus a loan guarantee under section 7(a) of the Small Business Act may also be provided to the same borrower in the maximum provided in section 7(a)(3)(A) of such Act.''.

SEC. 212. ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking ''or'' at the end;

(2) in subparagraph (H) by striking the period at the end and inserting '', or''; and

(3) by inserting after subparagraph (H) the following:

''(I) reduction of energy consumption by at least 10 percent.''.

SEC. 213. LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking ''and'' at the end;

(2) in clause (iii) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iv) $4,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent.''.

SEC. 214. EXTENSION OF PERIOD DURING WHICH LOSS RESERVES OF PREMIER CERTIFIED LENDERS DETERMINED ON THE BASIS OF OUTSTANDING BALANCE OF DEBENTURES.

Section 508(c)(6)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)(6)(B)) is amended by striking ''during the 2-year period beginning on the date that is 90 days after the date of the enactment of this subparagraph,'' and inserting ''through the end of fiscal year 2008,''.

SEC. 215. EXTENSION OF ALTERNATIVE LOSS RESERVE PILOT PROGRAM FOR CERTAIN PREMIER CERTIFIED LENDERS.

Section 508(c)(7)(J) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)(7)(J)) is amended by striking ''means'' and all that follows through the period at the end and inserting ''means each calendar quarter through the end of fiscal year 2008.''

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–108. Each 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 of the amendment, 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. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–108.

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MATHESON:

Page 6, line 4, insert after ''Forces'' the following: ''or members of the reserve components of the Armed Forces''.

Page 8, line 14, insert after ''Forces'' the following: ''or members of the reserve components of the Armed Forces''.

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I rise as a supporter of H.R. 1332, the underlying bill, and I would particularly like to thank the sponsor of the bill, Representative MELISSA BEAN, as well as the chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, and the ranking member, Mr. CHABOT, for all their hard work in bringing this bipartisan bill to the floor today.

Now, the 7(a) program is SBA's largest primary business loan program and provides loan guarantees to thousands of small businesses that are unable to obtain financing through the traditional lending market. That is why I am pleased that section 105 of the underlying bill will establish the Increased Veteran Participation Program to help increase 7(a) loans to military veterans, which declined by over $170 million between fiscal year 2005 and fiscal year 2006.

Section 103 of the bill, which permanently establishes the Community Express Program, will also provide much needed loans to veterans.

As 14 percent of small businesses in America are owned by veterans, we should do all we can to support those who have served our country. However, we should not leave out the men and women who continue to serve our country honorably every day in the military reserves. Small business ownership is extremely challenging, especially for members of the Reserve component of the Armed Forces who must carefully balance their civilian careers with their duty to serve our Nation.

My amendment would simply include members of the Reserve components of the Armed Forces as eligible to receive loans under the Community Express Program in section 103 of the bill and as eligible to participate in the Increased Veteran Participation Program in section 105.

Since 9/11, I think we all know we have relied on members of the Reserve more and more to participate in serving our country, and this increased role should be recognized and supported.

I urge colleagues to support my amendment.

I yield to the Chair of the full committee, Ms. VELÁZQUEZ.

Ms. VELÁZQUEZ. I want to thank the gentleman for yielding.

Mr. Chairman, I am prepared to accept the amendment, and I will yield to Mr. CHABOT for any comments that he may have.

Mr. CHABOT. Mr. Chairman, we have no objection to the amendment. We commend the gentleman for offering this helpful amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–108.

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MATHESON:

Page 6, line 1, insert after ''women,'' the following: ''members of qualified Indian tribes,''.

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, as I just explained in the discussion on my previous amendment, SBA's 7(a) loan program helps thousands of entrepreneurs start new businesses, create jobs and grow the economy here in the United States. Unfortunately, many segments of the American population are still unable to obtain necessary capital to successfully become entrepreneurs. Now to help remedy this inequity, the SBA created the Community Express Program to reach out to segments of the small business community that have difficulty accessing capital from traditional lending markets. These businesses are typically owned by women, veterans and socially or economically disadvantaged individuals who are underrepresented as business owners and who need smaller business loans accompanied by technical assistance.

Members of Indian tribes especially lack sufficient access to capital for starting new businesses. Of minority-owned businesses, only 6.6 percent were owned by American Indians, the least percentage of any minority group surveyed. And of U.S. nonfarm businesses, less than 1 percent are owned by American Indians.

I represent many Native American tribes in my district, and I know the entrepreneurial spirit is alive and well if only scarce capital can be attained for new businesses.

My amendment would simply include members of qualified Indian tribes as eligible to receive loans under the Community Express Program in section 103 of the underlying bill. This minor revision will provide loans to a currently underserved population and help participating lenders better determine who is actually eligible to receive loans under the Community Express Program.

I urge my colleagues to support this amendment.

I yield to the Chair of the full committee, Ms. VELÁZQUEZ.

Ms. VELÁZQUEZ. Mr. Chairman, I am prepared to accept this amendment. I want to thank you for bringing this issue.

I yield to the ranking member, Mr. CHABOT, for any comment.

Mr. CHABOT. I thank the gentlelady for yielding. We would also agree with this amendment. I think they are both excellent amendments. And I meant to comment on the other one as well. When the gentleman included our Reserve forces as well as other member veterans in Armed Forces, I think when one considers how patriotic our Reservists are and how many of them, especially with our involvement in Iraq and Afghanistan, are literally putting their lives on the line, I think this is a very helpful and important amendment, both of them. And so we would commend the gentleman for introducing them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CUELLAR

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–108.

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CUELLAR:

Page 5, line 2, strike the period and insert the following: ''or, in the case of a small business concern located in a rural area that does not have a lender located within 30 miles of the principal place of business, through any lender that is enrolled in, and administers, the 7(a) loan program that the small business concern chooses.''.

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

I rise today to encourage my colleagues to support my amendment and help rural small businesses receive the access to capital they need to grow.

I would like to thank my good friend, Chairwoman VELÁZQUEZ, for reporting out this critical bill, and to Congresswoman BEAN for taking the lead on this issue. I also want to thank the

ranking member, Mr. CHABOT, for the leadership and bipartisan support that he has shown in this bill and in the committee.

My amendment would strengthen the underlying bill and ensure that we solve one of the most critical problems facing rural small businesses.

Like many parts of the United States, my congressional district is the home to many rural companies. It is well known that small businesses found in rural communities have a more difficult time accessing affordable capital than their counterparts in the large metropolitan areas.

Considering that there are probably about 1.2 million rural businesses, it is important to reach out to this vital part of our economy. The Rural Indian Outreach Program proposed in this bill will be a tremendous tool for lenders located in rural communities.

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The provisions outlined will take a major step toward expanding the financial options for the rural economy.

Unfortunately, this bill in the current form, the rural small businesses owner needs access to the rural lenders that use this particular program. In my rural areas, many small businesses do not live close to a bank and therefore they are forced to do banking many miles away from the closest city. We must make sure that we help both the rural lender and the rural business owner.

The amendment that I have, Mr. Chairman, states that a rural small business who is not within 30 miles of a rural lender can take advantage of the rural lending outreach program through any lender in the SBA 7(a) loan program. It is my hope that this amendment will further increase opportunities for small businesses and expand the rural economies throughout our Nation.

Mr. Chairman, I yield to Chairwoman VELÁZQUEZ at this time. And I believe there is support for this amendment.

Ms. VELÁZQUEZ. In our hearings, Mr. Chairman, the committee heard testimony on the various challenges facing the 7(a) program. One of the more troubling developments has been a steady decline in the number of lenders participating in the 7(a) program, particularly among small lenders and community banks located in rural areas. With fewer lenders in the program, we all lose.

The rural lender outreach program is intended to help remedy this problem. With simpler application standards and a streamlined lending process, the rural lender outreach program will facilitate participation in the 7(a) among small lenders in rural communities.

I look forward to working with my colleague to ensure that this amendment will help the rural lender outreach program achieve its important objectives.

I yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding, and I want to commend the gentleman from Texas for offering a very thoughtful amendment here.

Oftentimes when you have a bill as complicated as this one is, the point of the bill obviously is pretty straightforward: It is to streamline and improve the process, make it more accessible to small business people, because that is one of the main problems that we have, that small businessmen have, and small businesswomen as well, is access to capital.

One has to look at this sometimes what do you do to benefit rural communities, and sometimes it is more urban communities. I happen to represent an overall fairly urban community, the city of Cincinnati. But I know the gentleman has a much larger district in mind, one in which the challenges may be somewhat different. And I think it is very good that the gentleman took the time to go through this bill with such care to find a way that he can benefit the people in his community and at the same time make it a better bill.

So I again commend the gentleman for his thoughtful approach to this bill, thank him for offering this amendment, and we are in a position to accept it. And I again thank him for his hard work on this.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment.

Mr. CUELLAR. Mr. Chairman, I want to thank again Chairwoman VELÁZQUEZ and the ranking member for their support and leadership, their bipartisan support.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. INSLEE

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–108.

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. INSLEE:

Page 26, strike lines 3 through 8 and insert the following:

(2) in subparagraph (H) by striking the period at the end and inserting a comma; and

(3) by inserting after subparagraph (H) the following:

''(I) reduction of energy consumption by at least 10 percent, or

''(J) increased use of sustainable design or low-impact design to produce buildings that reduce the use of non-renewable resources, minimize environmental impact, and relate people with the natural environment.''.

The CHAIRMAN. Pursuant to House Resolution 330, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. My fellow Members, we know that small businesses have been leaders in job creation and are the dynamic growth center for the American economy, and now they are poised to become the leaders in our green building revolution. We know that we have challenges on energy security, we know we have challenges to deal with on global warming, and we know that small businesses have challenges to receive capital to help in their programs to make their businesses more efficient, less costly for energy consumption, and less emitting of greenhouse gases.

Our amendment would create the ability of the SBA to provide capital to our small businesses across the country to do thousands of things that they want to start doing, items like putting additional energy-efficient equipment into their businesses, building green roofs that can prevent energy loss, installation of renewable energy sources like photovoltaic cells and energy equipment heating and cooling systems. The list is endless.

I would like to think of a little small business called the Snoqualmie Ice Cream Company, which is some of the best ice cream in the world, but they used an SBA loan essentially to put impervious concrete and build a green roof, which helped their business operations and helped the environment to boot.

So we would propose that we expand the SBA purposes to allow our small businessmen and women to be on the cutting edge of green building and green businesses across the country. This will help them move a step forward to use their dynamic leadership.

Mr. Chairman, I yield to Ms. VELÁZQUEZ.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment. I yield to the ranking member for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding. We are in a position to accept this amendment as well, and I commend the gentleman for offering it.

Mr. INSLEE. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. PASTOR, 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. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 330, he reported the bill back to the

House with an amendment 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 amendment to the amendment reported from the Committee of the Whole? If not, 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.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. McCRERY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCRERY. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery moves to recommit the bill, H.R. 1332, to the Committee on Small Business, with instructions to report back the same forthwith with the following amendments:

Page 6, after line 7, insert the following:

''(B) For purposes of subparagraph (A)(i), the Administrator shall consider any small business concern that can demonstrate it is adversely affected by a raise in the Federal minimum wage to be economically disadvantaged.''.

Page 6, line 8, strike ''(B)'' and insert ''(C)''.

Page 6, line 13, strike ''(C)'' and insert ''(D)''.

Page 6, line 17, strike ''(D)'' and insert ''(E)''.

Ms. VELÁZQUEZ. Madam Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. McCRERY. Madam Speaker, the motion to recommit that I am offering makes an important point about how we treat small businesses, the engine that drives much of our economy and creates many of our jobs in this country.

The underlying bill makes permanent the Community Express Program, which provides loans up to $250,000 to businesses which are owned by certain favored groups such as women, minorities, veterans, or socially or economically disadvantaged individuals. The measure does not define what it means for a business owner to be ''economically disadvantaged.''

This would require that the Small Business Administration would consider as economically disadvantaged those business owners that can demonstrate that they have been adversely impacted by an increase in the Federal minimum wage.

The importance of this motion is clear in the face of the failure of this House and the conferees on the supplemental appropriations bill that will be considered later tonight to adequately provide tax relief to those small businesses most impacted by an increase in the minimum wage.

The agreement reached by the majority and inserted into the supplemental does provide a larger dollar figure for relief than was passed by the House earlier this year, but almost none of the added tax revenues will provide relief to the small businesses most in need of assistance because of the increase in the minimum wage.

For example, more than 53 percent of the tax relief is in the form of a 44-month extension of the work opportunity tax credit. While extending the work opportunity tax credit may be good policy, and I happen to like that credit, more than 90 percent of the credits are claimed by firms with gross receipts over $50 million, hardly small businesses.

Other provisions, while well intentioned, will have little or no impact on small businesses. The S-Corp reforms, which costs almost $1 billion, have no direct relation to firms impacted by the minimum wage.

I support the changes in the package to the low income housing tax credit, but that $237 million in tax relief, again, does nothing towards satisfying the stated purpose of helping small businesses cope with the increase in the minimum wage.

While the work opportunity tax credit was expanded and was given a longer extension than in the House-passed package, provisions to help small businesses by increasing expensing were not given similar treatment. Other depreciation changes included in the Senate-passed bill that could have helped small businesses were completely left out of the conference agreement. In fact, barely $1 billion of the total almost $5 billion package provides relief to small businesses; and almost half of that, $457 million of it, exists solely to protect restaurant owners from the tax increase they would otherwise face from a minimum wage increase. Thus, only about one-eighth of the new benefits are targeted at small businesses.

That minimal relief for small businesses looks even smaller when compared against the Congressional Budget Office's estimate that the increase in the minimum wage will impose more than $16 billion in costs on the private sector over the next 5 years.

It should come as no surprise to anyone to learn that the National Federation of Independent Business, a small business association, released a statement today criticizing Congress for failing to deliver meaningful tax relief to the American small business community in the face of a mandated Federal minimum wage hike.

I submit for printing in the RECORD the entire statement of NFIB.

TAX PACKAGE TIED TO MINIMUM WAGE HIKE FAILS TO DELIVER RELIEF FOR SMALL BUSINESS

NFIB disappointed in diminished small-business tax relief in the federal supplemental spending bill

WASHINGTON, D.C., APRIL 25, 2007—Dan Danner, executive vice president of the National Federation of Independent Business, today made the following statement in reaction to the reduced small-business tax-relief package contained in the federal minimum wage increase legislation, now attached to the Iraq spending bill.

It's truly disheartening that during National Small Business Week Congress has decided to renege on their promise to deliver meaningful tax relief to the American small-business community in the face of a mandated federal minimum wage hike.

While small businesses appreciate the increased and extended expensing limit, the tax package as a whole simply does not offer enough growth-oriented tax relief to allow small businesses to invest and stay competitive. NFIB is disappointed to see that the reduced tax package falls short of truly offsetting the costs small businesses will be forced to absorb as a result of a minimum wage increase.

Small-business owners have always opposed mandated wage levels because it leaves them with fewer choices in how they compensate their employees. But in the face of an inevitable wage hike, the small-business community was pleased to hear that Congress was planning to offer a tax package aimed at helping small businesses cope with additional labor costs.

From the beginning of this debate, the accompanying tax package was supposed to be about helping the country's small businesses. Instead, Congress has spent more time catering to big business demands than providing real tax relief to those who need it most—American small-business owners.

As this debate continues, NFIB will continue its efforts to educate members of Congress about why small businesses need and deserve meaningful tax relief.

Last week my friend, the distinguished chairman of the Ways and Means Committee, indicated that the tax package on the supplemental was the final deal. I suppose he meant the final deal on taxes associated with the minimum wage increase. And I guess he meant that, even if the supplemental is vetoed, that we don't go back to square one, that there will still be no renegotiation of the tax package. That is unfortunate, and that is what brings us here today.

The majority has said it is unwilling to reconsider ways to ensure that we provide tax relief to the businesses most in need and to examine the shortcomings of the tax package. Thus, we must find other ways to help small businesses continue to be the engines of job creation in our economy. By making small businesses adversely affected by a minimum wage increase eligible for the community express program, Madam Speaker, we are offering the House an opportunity, a chance, to make good on the promise to help those businesses impacted by an increase of the minimum wage.

Madam Speaker, I urge passage of the motion.

□ 1730

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

Ms. VELÁZQUEZ. Madam Speaker, I withdraw my point of order against the motion, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Speaker, it amazes me if the gentleman from Louisiana is so concerned about the state of small businesses in our country, why is it that every time that I brought an amendment to any bill to reduce the cost of the 7(a) business loan program, you voted against that bill, against those amendments? That is the way we provide relief to small businesses.

The problem with the gentleman from Louisiana is that he doesn't believe that the minimum wage should be raised, and that 10 years is not long enough. So by supporting this motion to recommit, you are voting against providing relief to small businesses.

What we are doing with this bill is reducing up to $50,000 in fees to borrowers in this country. That is real relief.

So I urge my colleagues to vote against this motion, and to support the underlying bill.

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

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 noes appeared to have it.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 11, as follows:

[Roll No. 262]

YEAS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
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
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
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
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
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
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
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 (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
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
Wynn
Yarmuth

NOT VOTING—11

Bartlett (MD)
Bishop (GA)
Boyd (FL)
Cubin
Davis, Jo Ann
Hunter
Kaptur
Lampson
McIntyre
Westmoreland
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1755

Mr. MURPHY of Connecticut, Mr. KAGEN, Ms. DELAURO, Mr. McNERNEY, Ms. McCOLLUM of Minnesota, Mrs. GILLIBRAND, Messrs. HOYER, ALTMIRE, HILL, and SCOTT of Virginia changed their vote from "yea" to "nay."

Mr. MORAN of Kansas and Mr. PICKERING changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BOYD of Florida. Madam Speaker, on rollcall No. 262, had I been present, I would have voted "nay."

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Madam Speaker, I rise for the purpose of inquiring about the schedule, and I yield to my friend, the majority leader, for information about the schedule, tomorrow, Monday and Tuesday.

Mr. HOYER. I thank the gentleman for yielding, and I want to tell the Members that tomorrow we have only one bill scheduled. That is H.R. 249. We will consider that bill. I am hopeful that we will complete that bill early afternoon.

On Monday, the funeral is being held for Congresswoman Millender-McDonald, and many of our Members on both sides of the aisle I know will be attending that funeral. We will have no business on Monday. Not only no votes, but there will be no business on Monday.

On Tuesday, you need to expect votes anytime after noon. So we plan to have a full day on Tuesday, not a 6:30 coming in here, but there will be no votes until noon on Tuesday.

Mr. BLUNT. I thank the gentleman for the information, and I think that is helpful to our Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. VELÁZQUEZ. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 380, noes 45, not voting 7, as follows:

[Roll No. 263]

AYES—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
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)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Herger
Herseth Sandlin
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 (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
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
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
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
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
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—45

Bachmann
Barrett (SC)
Biggert
Brady (TX)
Campbell (CA)
Cantor
Carter
Culberson
Davis (KY)
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hastert
Hayes
Hensarling
Inglis (SC)
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Lamborn
Linder
Mack
Manzullo
McHenry
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Paul
Pence
Price (GA)
Radanovich
Rohrabacher
Royce
Sali
Shadegg
Tancredo

NOT VOTING—7

Buyer
Cubin
Davis, Jo Ann
Hunter
Lampson
Solis
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1806

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

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, During rollcall vote No. 263, the Small Business Lending Improvements Act, on April 25, 2007. I was unavoidably detained. Had I been present, I would have voted ''aye.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT of 2007

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that the Clerk is authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1332.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1429, IMPROVING HEAD START ACT OF 2007; AND H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

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

Ms. SLAUGHTER. The Rules Committee is expected to meet the week of April 30 to grant a rule which may structure the amendment process for floor consideration of H.R. 1429, the Improving Head Start Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 2:00 p.m. on Monday, April 30. Members are strongly advised to adhere to this amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Education and Labor. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

The Rules Committee is also expected to meet the week of April 30 to grant a rule which may structure the amendment process for floor consideration of H.R. 1868, Technology Innovation and Manufacturing Stimulation Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 2:00 p.m. on Monday, April 30. Members are strongly advised to adhere to this amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Science and Technology. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

PROVIDING FOR CONSIDERATION OF H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 332 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 332

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

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

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 332.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 332 provides for consideration of the conference report for H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. The rule waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

Mr. Speaker, after 4 years of the administration's relentless mismanagement of the Iraq war, mismanagement that has needlessly endangered our soldiers and lost countless Iraqi lives, this new Democratic Congress is determined to exercise our constitutional duty and to change the Nation's course in Iraq. We are hardly alone in our estimation of what must be done there.

A growing chorus of opinion has coalesced around the need for a new direction. Virtually all of our generals agree that this fight cannot be won militarily, and General David Petraeus has said that the American mission in Iraq is 20 percent military and 80 percent political, economic and diplomatic.

He is joined by the Secretary of Defense, Robert Gates, who applauded this debate, saying it will demonstrate to the Iraqi leadership that America will no longer tolerate an open-ended commitment without any benchmarks for success.

James A. Baker and Lee Hamilton of the President's own Iraq Study Group have called for the American military to focus on training Iraqi security forces instead of conducting endless security sweeps.

Retired generals have joined in as well. Retired Lieutenant General William E. Odom, to name just one, has said that the proposed change in course will, and I quote, ''re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved.''

What of the people of the United States of America? It is their sons and daughters, their husbands and wives, their friends and family who have fought, have been injured and died in this war by the tens of thousands.

They, more than anyone else, have demanded that America's mission in Iraq be changed. This bill is a statement that Congress will no longer fund the war as it exists today.

With it, Democrats are demanding accountability and requiring that future support be based on tangible progress being made. We are refusing to ask our soldiers to continue fighting an open-ended battle to achieve goals that are constantly being altered. Such a request is not worthy of their sacrifice.

Let me say also that while the President said that this bill is nothing more than a political statement, the opposite is the case. Our bill reconciles hard realities with our most fundamental principles. It both protects our soldiers and seeks to give them the best chance to help to produce a secure Iraq. It could not be more sincere, and it will soon be on the President's desk. If he rejects it, that will be his political statement and not ours.

Finally, I must add briefly that this legislation also contains $18 billion to be spent on critically needed health care for the veterans injured in Iraq and Afghanistan, particularly for the traumatic brain injury victims, for Katrina recovery operations, for the avian flu vaccines, wildfire prevention, and for health insurance for children, among many other things. Those things are what supplemental bills have always been for, not to fund wars.

The President and his allies have chosen to dismiss this spending as unjustifiable pork. They have asked Congress to deliver a clean bill, in their words, but I can't think of programs much cleaner and more worthy of our support than those I just mentioned.

The definition of a great nation is one that has the power to define its own destiny and that uses its strength wisely to help others in need. Insurgents who seek to destroy what is left of the Iraq society are abominable, but they can do far less damage to our country than we do to ourselves by pursuing flawed policies that deplete our Armed Forces, undermine our alliances, and lessen our influence and moral authority around the world.

□ 1815

Why should we do what they cannot?

At the same time, the Iraqi people deserve so much more than the life of fear they now lead. But America can be true to itself; we must have the humility and the vision to recognize what is working and what is not, and to correct our failures when reality demands it.

I believe that we are, indeed, a great Nation, Mr. Speaker. We have the ability to choose our own way forward. Starting today, starting here, we can choose to reject a path that is failing our soldiers, our citizens, and the people of Iraq. And we can set a new course that offers a real chance for a better future instead of endless, unfulfilled promises.

This bill is the first step on that new course, and I urge everybody in this body and in the White House to see it for what it truly is. It is not an admission of defeat, but it is proof that our country has the courage and the foresight needed to truly act like the great Nation that we truly are.

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

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

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Rochester, the distinguished Chair of the Committee on Rules, for yielding me the customary 30 minutes.

Mr. Speaker, I rise in strongest opposition to both this rule and the underlying conference report.

Mr. Speaker, this conference report implements a policy of failure. It is nothing more than a cheap attempt to score political points at a time when the American people have understandably become very weary of war. Rather than offering the American people a

policy that allows us to complete our mission in Iraq and bring our troops home, which we all want to do, this bill simply offers them a charade.

The President, Mr. Speaker, has made it very clear that he will veto this policy of failure, which does not have enough support to override his veto. We will be right back here in a matter of days voting on another supplemental. And while this political charade plays out, Mr. Speaker, our troops will be left waiting for the funding that they need to do their jobs, and our country trapped in a political quagmire created by the Democratic leadership in this Congress.

Mr. Speaker, this very dangerous game of ''chicken'' could have been avoided entirely. The Democratic leadership may be bereft of ideas, but I know for a fact that this entire body is not. Had we considered the original bill under an open process, which, as we all know, is the tradition for wartime supplementals in this House, we could have had a real debate. We could have considered the worthy ideas of Members in this body.

Instead, Mr. Speaker, all but a very few were shut out of this process entirely. Republicans and Democrats, liberals and conservatives alike, were denied the opportunity to participate in this process. We didn't get any of their ideas, their expertise, their suggestions in bringing this measure to the floor. And what did that very small group in the Democratic leadership come up with? A constitutionally dubious attempt at micromanaging the Iraq war into inevitable defeat; a cynical political ploy that will leave dire consequences for the region and our own security in its wake.

Mr. Speaker, the Constitution lays out a very clear system of checks and balances derived from the ideas of the very brilliant and inspired Framers of our Constitution. James Madison I am thinking of, as I look to my friend from Virginia, Mr. MORAN, obviously a native of Virginia. And I will tell you that that Madisonian spirit of giving the three branches of government distinct roles, allows us to guard ourselves against tyranny from any one branch.

The President must seek the support of Congress in order to wage war; it is Congress that has the power to authorize; and, as we all know very well, it must be this institution that funds a war. But, Mr. Speaker, once funding and authorization are granted, the President of the United States serves as the Commander in Chief, with the authority to execute the war.

This conference report ignores the intentions of our Founding Fathers and attempts to turn the Constitution on its head.

I mentioned, looking to my friend Mr. MORAN, the father, the author of the Constitution, James Madison. Well, Mr. Speaker, in Federalist No. 51, Madison wrote ''that in framing a government that is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place oblige it to control itself.''

Mr. Speaker, Madison recognized the inherent challenges in designing a government that is both effective and limited. He knew that without checks and balances, tyranny would ensue.

Mr. Speaker, this conference report, like the bill before it, attempts to diminish these checks and balances. It tries to turn Congress into 535 Commanders in Chief.

This legislation of micromanagement is based, Mr. Speaker, on a disastrous strategy. Its authors fund the war, and then mandate its failure. They seek to tie the hands of our military commanders, and then force them to retreat when they are unable to meet impossible timetables. We heard in a briefing today from General Petraeus, from Secretary England, from Secretary Negroponte and others that the notion of timetables in fact clearly will undermine the potential for success.

Mr. Speaker, that leadership also knew it fell hopelessly short of the necessary support within their own party for passage. But rather than opening up the process so that real ideas and solutions could be considered, they just loaded it up with billions of dollars in unrelated spending. This conference report trades victory for potential electoral gains.

Mr. Speaker, what would the consequences of defeat be? The National Intelligence Estimate, the 9/11 Commission, our people on the ground and those who briefed us today, have all made it very clear that a precipitous withdrawal would have disastrous consequences. Violence will spill out across the country and spread to the entire region.

We heard about Iran and Syria today and the challenges that exist there. In our absence, Iran and Syria will be utterly unfettered in their ability to incite a regional war that threatens global security, with enormous casualties suffered by the people in the region.

Mr. Speaker, as I have said, and I know this very well, and I join Americans who have been very discouraged by this war; it has been ugly, it has been difficult, it has been very painful. We all, Mr. Speaker, feel the toll it has taken and are keenly aware of the price that we are paying, especially in a human sense.

I know as I look to my colleagues on the other side of the aisle that every single one of us has had the challenge and the difficulty of looking into the eyes of constituents whose family and friends have made the ultimate sacrifice in this war. Their pain is very real, and we all know that their loss is profound.

But, Mr. Speaker, we do not honor those who have sacrificed by abandoning their mission. I have regularly quoted my very good friend, a man who has become a friend of mine, a former marine called Ed Blecksmith, whose son J.P. was killed in the battle of Fallujah 2 years ago this past November. He said that if we were to withdraw, his son will have died in vain.

Mr. Speaker, we do not honor those in the field who are fighting as we speak by tying their hands and depriving them of the means to succeed. We will honor them by winning the war in Iraq so that our men and women come home having completed their mission.

We know that their mission will not be complete in the immediate future. That was pointed out today by General Petraeus and others. As President Bush and General Petraeus have both acknowledged, success will take months, not days or weeks. But to abandon our mission would be disastrous.

Mr. Speaker, I urge my colleagues to reject the policy of defeat and the potential return of terrorism to our homeland. I urge my colleagues to reject this political charade that leaves our troops in limbo, and let us instead have a real debate with real ideas for a real solution in Iraq.

Mr. Speaker, I include the following article from the Sunday Times for the RECORD.

[From the Sunday Times, April 22, 2007]

AL-QAEDA 'PLANNING BIG BRITISH ATTACK'

(By Dipesh Gadher)

Al-Qaeda leaders in Iraq are planning the first ''large-scale'' terrorist attacks on Britain and other western targets with the help of supporters in Iran, according to a leaked intelligence report.

Spy chiefs warn that one operative had said he was planning an attack on ''a par with Hiroshima and Nagasaki'' in an attempt to ''shake the Roman throne'', a reference to the West.

Another plot could be timed to coincide with Tony Blair stepping down as prime minister, an event described by Al-Qaeda planners as a ''change in the head of the company''.

The report, produced earlier this month and seen by The Sunday Times, appears to provide evidence that Al-Qaeda is active in Iran and has ambitions far beyond the improvised attacks it has been waging against British and American soldiers in Iraq.

There is no evidence of a formal relationship between Al-Qaeda, a Sunni group, and the Shi'ite regime of President Mah-moud Ahmadinejad, but experts suggest that Iran's leaders may be turning a blind eye to the terrorist organisation's activities.

The intelligence report also makes it clear that senior Al-Qaeda figures in the region have been in recent contact with operatives in Britain.

It follows revelations last year that up to 150 Britons had travelled to Iraq to fight as part of Al-Qaeda's ''foreign legion''. A number are thought to have returned to the UK, after receiving terrorist training, to form sleeper cells.

The report was compiled by the Joint Terrorism Analysis Centre (JTAC)—based at MI5's London headquarters—and provides a quarterly review of the international terror threat to Britain. It draws a distinction between Osama Bin Laden and Al-Qaeda's core leadership, who are thought to be hiding on the Afghan-Pakistan border, and affiliated organisations elsewhere.

The document states: ''While networks linked to AQ [Al-Qaeda] Core pose the greatest threat to the UK, the intelligence during

this quarter has highlighted the potential threat from other areas, particularly AQI [Al-Qaeda in Iraq].''

The report continues: ''Recent reporting has described AQI's Kurdish network in Iran planning what we believe may be a large-scale attack against a western target.

''A member of this network is reportedly involved in an operation which he believes requires AQ Core authorisation. He claims the operation will be on 'a par with Hiroshima and Naga-saki' and will 'shake the Roman throne'. We assess that this operation is most likely to be a large-scale, mass casualty attack against the West.''

The report says there is ''no indication'' this attack would specifically target Britain, ''although we are aware that AQI . . . networks are active in the UK''.

Analysts believe the reference to Hiroshima and Nagasaki, where more than 200,000 people died in nuclear attacks on Japan at the end of the second world war, is unlikely to be a literal boast.

''It could be just a reference to a huge explosion,'' sald a counter-terrorist source. ''They [Al-Qaeda] have got to do something soon that is radical, otherwise they start losing credibility.''

Despite aspiring to a nuclear capability, Al-Qaeda is not thought to have acquired weapons grade material. However, several plots involving ''dirty bombs''—conventional explosive devices surrounded by radioactive material—have been foiled.

Last year Al-Qaeda's leader in Iraq called on nuclear scientists to apply their knowledge of biological and radiological weapons to ''the field of jihad''.

Details of a separate plot to attack Britain, ''ideally'' before Blair steps down this summer, were contained in a letter written by Abdul al-Hadi al-Iraqi, an Iraqi Kurd and senior Al-Qaeda commander.

According to the JTAC document, Hadi ''stressed the need to take care to ensure that the attack was successful and on a large scale''. The plan was to be relayed to an Iran-based Al-Qaeda facilitator.

The Home Office declined to comment.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the distinguished Chair of the Rules Committee for yielding me the time.

Mr. Speaker, I want this war to come to an end now. I had reservations when I voted in support of the supplemental a few weeks ago, and I have misgivings about the conference report that is before us today. I believe very deeply that this war represents one of the biggest blunders in our history and that we must change course and bring it to an end.

But, Mr. Speaker, to defeat this conference report tonight would provide President Bush with a victory that he does not deserve and that he has not earned, and it would affirm a disastrous policy in Iraq. A vote against this conference report is a vote to support the status quo, which is essentially a vote to support a failed policy.

Since the President decided to escalate the war in Iraq, the violence has gotten worse. This administration has demonstrated a contempt for the American people, who have demanded a change in our Iraq policy.

Mr. Speaker, this President is presiding over a policy and a war in Iraq that is making the United States more vulnerable, not more secure. He refuses to listen. He refuses to acknowledge the facts. He refuses to compromise.

Now he has threatened to veto this conference report. And if he does so, then this President will make perfectly clear to the American people that the only way this war is going to end, the only way our troops will ever come home to their families and loved ones, the only way the Iraqis will ever be held accountable for governing their own country and ending their sectarian violence, will be if Congress finds a way to end it.

Every day it becomes more and more clear that the President has decided to kick the ball down the field to make this war somebody else's problem. Two years ago, President Bush announced his exit strategy for Iraq. He said, ''That's a problem for the next President.''

Mr. Speaker, that is unacceptable and it is false. It is a problem for all of us. None of us in this Chamber wake up each morning in harm's way. None of us stare death in the eye or see our comrades fall to bullets and bombs. Not even the Green Zone provides a sense of security any longer.

Instead of demanding reconciliation, we are building walls to keep Shiites away from Sunnis. Every day, thousands of Iraqis are fleeing the horror that has become their country. The best and the brightest are leaving. The average shopkeeper, the next-door neighbor, all are packing their bags and trying to find a way out of town, out of the country, away from the violence, the death and destruction.

Mr. Speaker, the reality is that whenever we finally leave Iraq, it will not be pretty. This failed policy has left Iraq with few options. But until we begin to leave, no one has to make the hard choices about how Iraqis are going to live together or die together.

Mr. Speaker, this terrible chapter in our history must come to an end, and I urge all my colleagues to join with me in saying to the President of the United States, enough is enough.

Mr. DREIER. Mr. Speaker, at this time I am very pleased to yield 2 minutes to the distinguished ranking member of the Committee on Foreign Affairs, our good friend from Miami (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from California for the time.

At this difficult moment and in previous difficult moments in our Nation's history, there have always been those ready to declare that all was lost. Now we hear the voices of those proclaiming that the war against Islamic extremists in Iraq is lost. They say they support the troops, but the soldier cannot be separated from his mission.

When I consider the Parsons brothers from my congressional district, I know that our country has immense resources of courage and determination on which to draw. Huber Parsons was with the 101st Airborne for two long deployments in Iraq, and is currently on his third in Iraq with the Army Stryker Brigade. His twin, Bill, has served two tours in Afghanistan and two tours in Iraq. Their little brother, Charlie Parsons, is on his first deployment to Iraq. All three are serving in Baghdad right now, all three proud graduates of West Point.

Given the sacrifices and bravery of the Parsons brothers and all of the men and women serving our Nation in Iraq, we must not put them at risk by mandating artificial deadlines for withdrawal and surrender.

The consequences for our troops is a personal one for me. My stepson Doug and my daughter-in-law Lindsay both served in Iraq as marine fighter pilots, and Lindsay is currently deployed in Afghanistan.

□ 1830

Last time I spoke on the floor, I said Lindsay was about to be deployed. Well, she is there now, we are proud of her service. We are proud of all of the men and women serving our Nation wearing our Nation's uniform.

Imposing an artificial, arbitrary deadline for withdrawal of our forces before Iraq is stable and secure will give the insurgents and the Islamic terrorists a road map, a how-to guide on how to defeat the U.S., our Iraqi partners and other coalition forces in Iraq.

Let's help the Parsons brothers. Let's help all of our troops. Vote against the rule and against the conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri and the Chair of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. I thank the chairman of the Rules Committee. Mr. Speaker, I am blessed to be a Member of the House of Representatives.

Under the Constitution of our country, this is a co-equal branch of government. We are charged here in Congress to raise and maintain the military of the United States. The President is charged with being the Commander in Chief. Our job is clear. We must prepare and maintain our military to the highest standard possible.

1950, the North Koreans invaded South Korea. We had a small force there. General MacArthur, supreme commander in that part of the world, sent a unit that was untrained, underequipped and undersized, called Task Force Smith to stem the tide of the North Korean armies. They fought valiantly and found themselves in the southeast corner of South Korea in what is now known as the Pusan perimeter, and they were in serious trouble. General MacArthur's brilliant Inchon landing on the western coast of Korea changed the nature of the Korean War at that moment.

But the lesson of all of this is the lack of readiness of the United States

Army as it was in 1950. Our job is to see that that does not ever happen again.

This rule, this bill, this resolution is the right one for our time. It will help the readiness of the United States military, in particular our Army. I am very concerned about the stretching and the straining of the Army in Iraq, so much so we just have to fund them, and this is a major step in that direction.

Now, some object for some Iraqi language, which frankly leaves a lot to the discretion of the White House. But what we are overlooking is the fact that this bill, this resolution does lead to supporting the troops and keeping the readiness at a higher level. A large percentage of the equipment of the active duty of the National Guard and of the Reserve is not here in America, is overseas in Iraq or Afghanistan. Readiness capability of the future is what this is all about.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to the distinguished gentleman from Indianapolis who has been a hardworking fighter on the Foreign Affairs Committee, Mr. BURTON.

Mr. BURTON of Indiana. Mr. Speaker, on 9/11, 2001, two planes flew into the World Trade Center and killed over 3,000 Americans, the worst attack on America in the history of this country, worse than Pearl Harbor. The people who are behind it were al Qaeda, and Osama bin Laden said numerous times he wanted to destroy America. They are the mortal enemy of the United States of America.

General Petraeus today, when he talked to the Members of Congress, said numerous times that they were fighting al Qaeda, al Qaeda, al Qaeda in Iraq, the mortal enemy of the United States of America.

Now my colleagues on the other side of the aisle want to pull us out of there. And if they do succeed, then I believe that that will become a gathering point for all of the al Qaeda operatives and other fellow travelers in the world, and they will try to attack the United States in numerous ways, probably on our home soil again. They attacked the USS Cole, our embassies in Africa, they attacked housing in Saudi Arabia.

I just want to say to my colleagues, remember what you are doing. If you force us out of Iraq now, you are helping al Qaeda. You are helping al Qaeda set up a base of operation, and they will be able to attack the United States of America again.

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

Mr. BURTON of Indiana. I will be happy to yield to my colleague.

Mr. DREIER. I will yield to my friend some additional time.

I just entered into the RECORD, and I didn't mention this in my opening remarks, an article that was in the Sunday Times of London last, this past Sunday, ''Is al Qaeda Planning a Big British Attack?,'' and this is a report on intelligence that has just come forward of a massive, large scale terrorist attack on Britain and other Western targets with the help of supporters in Iran. According to a leaked intelligence report that came forward, they talk about this attack being on a par with Hiroshima and Nagasaki in an attempt to shake the Roman Empire. And I have entered this article in the RECORD that was in the Sunday Times, and I think it is very important that this be related to the remarks the gentleman has made. And I thank him for yielding. And I would yield whatever the balance of my time is on this side to him.

Mr. BURTON of Indiana. Let me just say that appeasement and weakness led to World War II, and 62 million people died. We are now in the nuclear age, and we have an enemy that will tie a nuclear weapon or plastic explosives around themselves and blow themselves up. If they come to America with a nuclear device, a suitcase nuclear device, they could destroy this place and kill all of us three blocks away from here by detonating that kind of a device.

Remember, they are our mortal enemy. Osama bin Laden said it. They are in Iraq. We have got to stand firm.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). All Members are reminded to address their comments to the Chair and not to other Members in the second person.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, the Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. Mr. Speaker, I support the conference report, but not the rescission of highway contract authority which this bill uses to offset nonhighway spending elsewhere in the conference report.

The report provides an additional $683 million for the Federal Highway Administration's Emergency Relief Program. No offset is needed for that emergency relief.

Nonetheless, the conference report rescinds $683 million in unobligated balances of highway funds that have been apportioned to the States. Now, the rescission does protect highway safety programs, but it leaves transportation environmental programs vulnerable.

The rescission of highway contract authority is the exclusive jurisdiction of the Committee on Transportation and Infrastructure, and this provision violates clause 2 of rule XXI of the Rules of the House.

These types of rescissions adversely affect the Federal aid highway program, specifically the ability to ensure that the Nation's transportation system has modal choices.

More than a dozen States have applied these rescissions disproportionately to cut contract authority for critical transportation and environmental programs, Congestion Mitigation and Air Quality Improvement and the Transportation Enhancement Program.

CMAQ funds are only 4 or 5 percent of highway apportionment every year, but they have accounted for 20 percent of the funds rescinded in recent years, and particularly in the State of Texas.

In fiscal year 2006 States rescinded $888 million in CMAQ funds. One out of every $4 rescinded by States in 2006 came from CMAQ programs. In 2006 also the States rescinded 602 million of enhancements funds in which Texas cut $223 million of enhancement funding and completely suspended its program.

The House, I think, will have an opportunity to reconsider the rescission issue in a future supplemental. And we, with all the environment problems that we have and the climate change problems, this is one area that we should not allow to be cut.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a hardworking member of the Appropriations Committee, the gentleman from Morristown, New Jersey, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong opposition to this rule and to this conference report.

Fundamentally, this bill is about providing funding for our troops, making sure that men and women who are on the front lines as we speak, have the resources they need to stay safe and do their military and humanitarian missions in Iraq.

It is clear that our troops have the support of this House and the American people. Surely, no one wants to see our soldiers defeated in Iraq. We all want their mission in Iraq to be as short as possible. We want the war to end. We want our young soldiers, all volunteers, to return home.

But this conference report before us today prejudges the effectiveness of our young warfighters as they seek to secure Baghdad under a new plan, under new military leadership.

This proposal starts withdrawal of our forces from Iraq on October 1, irrespective of the judgment of our military commanders on the ground.

My colleagues, the reinforcement of the Army in Baghdad and the Marines in Anbar, designed and executed by General David Petraeus, is underway. It won't be complete for weeks.

And yet, there are some signs of progress. The plan must be given time to work. Make no mistake about it. There will be wide and dangerous consequences if we abandon the Iraqi people and their government, now just 1 year old, before it is capable of governing and protecting its own people. First, for our own soldiers there are consequences. And secondly, we could have an explosion of sectarian violence, killing and bloodshed on a larger, more barbaric scale than we have now.

Mr. Speaker, we are a Nation at war and the stakes are extremely high for America. Our troops need this money now. They deserved it yesterday.

Mr. Speaker, I urge my colleagues to join together to honor the service of our young men and women and to work with the President, our Commander in Chief, to have some measure of success in Iraq. I urge a ''no'' vote on the rule and the conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, last week the 2,100th American child had to be informed that they will never see their daddy or mommy again because their parent was killed in Iraq.

Mr. Speaker, our military families deserve a policy worthy of their sacrifice. They deserve better. This war is going to turn out to be one of the worst military, political, economic and moral blunders in American history.

I heard my colleague refer to 9/11. We now know that we were brought into this war through deliberate deception and the politics of fear. Saddam Hussein had nothing to do with 9/11, wouldn't allow al Qaeda into his country. In fact, he wasn't trying to get nuclear weapons. He had no weapons of mass destruction. All those mobile labs didn't manufacture chemical weapons. Nor is this war being paid for with Iraqi oil.

And yet, you want us, 4 years later, to believe the very same people that brought us into this fiasco. When do you start to lose your credibility? After we have had 58,000 soldiers killed as in Vietnam? We are up to 3,300 now. About 25,000 seriously wounded. And how can you stand before them and tell them that this fiasco was worthy of their sacrifice?

The government that we are supporting doesn't go outside the Green Zone in Baghdad. They don't serve their people. In fact, many of its ministers are corrupt. That is the reality of our policy in Iraq.

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And the fact too is that if the government we are supporting had the opportunity, they would turn Iraq into a Shi'a theocracy. Is that really worth our military families' sacrifice? The answer is no.

Support this rule and vote for this supplemental.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to the former member of the Rules Committee, now working hard on the Armed Services Committee, the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today, firmly and resolutely opposed to both this rule and the underlying conference report.

I regret to say that the Democratic leaders have once again demonstrated that it is either their way or the highway, except this time it is our fighting men and women who are left stranded in the middle of the road.

Mr. Speaker, I am truly saddened and, in truth, even angered by the majority's insistence on putting this war, our generals, and our war fighters on auto pilot with a forced retreat and an inflexible timetable.

The consequences of this decision, should it become law, will echo long beyond this date, this year, this decade. Defeat should not be an option, and yet it seems that this majority believes it is the only option.

We are at a critical juncture in history when the defenders of liberty and freedom have to stand firm against tyrants and terrorists.

And I will remind the gentleman from Virginia that just spoke, indeed, the famous quote says, ''There are times in our history when the tree of liberty must be nourished by the blood of patriots.''

Sure, without question, this war has been hard fought every step of the way, and it will continue to be. But few things worthwhile in life are ever easy.

Regrettably, this majority was bought and paid for by MoveOn.org and liberal extremists, and now they have come to collect, unfortunately, at the expense of our military and our security, today, tomorrow, and for decades to come.

When the Speaker of the House pushes to rewrite our foreign policy and yet refuses to meet with General Petraeus, our commander on the ground in Iraq, it becomes abundantly clear this majority would rather push left-wing politics over sound policy.

This political theater would be funny if its consequences weren't a matter of life and death, of victory and defeat. Every day that we delay a legitimate war-funding bill, the resources of our military and our soldiers' quality of life are diminished. In fact, this delay has forced the Pentagon to move $800 million from the Air Force's personnel accounts, money to pay our servicemembers, to make up for the gaps in the war funding.

I implore my colleagues on both sides of the aisle, oppose this rule, oppose this conference report. Let us end this political game and truly give victory a chance.

We can do better, Mr. Speaker. We have an obligation to do better for the sake of the men and women who put their lives on the line in Iraq and Afghanistan to protect ours.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, take a moment to travel through the Nation's hospitals and speak to those in this final injury ward, see the young women bending over their soldier husbands who now have lost the use of all of their limbs, 25,000-plus injured and 3,000-plus dead.

It is not the policies of this Democratic majority that is causing this absolute disaster. It is the misdirected policies of those in the administration who are causing harm to our soldiers.

Let me thank our soldiers for their leadership, for their service, and their patriotism. But as I stand here today and look at my Members, the Speaker of the House who went into the Mideast, Mr. Giuliani, there is no white flag on this side of the aisle, and I reject your insult and insensitivity.

This legislation will not give the administration a blank check. It will give a new direction to Iraq. It will begin to redeploy soldiers if the President cannot certify the readiness in July and then in October of 2007. It provides funding for veterans hospitals, for the injured with spinal injuries, with brain injury. And, yes, there are those on this side of the aisle who understand the shedding of blood of our soldiers.

That is why this legislation will allow us to go and fight the terrorists, to find Osama bin Laden, and to do the job that we have not done since the tragedy and the terrorism of 9/11.

This is a sad day in this body. I want us to support the rule and the underlying bill because there is no white flag. We have the solution, and that solution is a policy that responds to the needs of the American people and our soldiers on the battlefield. No more nine soldiers of the 82nd Airborne. We thank them for their service. We declare a military success. And we bring our soldiers home.

And maybe it will be good if some of those who did not serve would understand what it means to serve.

Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to speak in support of the Conference Report on H.R. 1591, the "U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act." I support the Conference Report because this compromise offers us the first real chance to end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can "care for him who has borne the battle, and for his widow and orphan." This legislation helps to repair the damage to America's international reputation and prestige. It brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement. Finally, it places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government.

Mr. Speaker, the House and Senate conferees have approved legislation providing $124.2 billion primarily for the wars in Iraq and Afghanistan. As part of the legislation, conferees approved a sensible plan to redeploy U.S. forces in Iraq paired with progress made by the Iraqi government in meeting diplomatic and security benchmarks. These legislative provisions, which are subject to a Presidential waiver, will ensure adequate rest between tours of duty of both active duty and Guard and Reserve forces, while also requiring that their service in Iraq not be extended beyond a year for any tour of duty.

President Bush would be required to certify that the Iraqi government is meeting the diplomatic and security benchmarks. If he makes that certification, deployment shall begin no later than October 1, 2007, with the goal of

completing the redeployment within 180 days. After that period, a limited number of U.S. forces could remain in Iraq for force protection, training and equipping Iraqi troops, and targeted counterterrorism options. The legislation makes it possible for the U.S. military to focus its resources on Osama bin Laden, whose organization attacked the nation on 9/11, and destroying his base of operations in Afghanistan.

Additionally, the U.S. commander in Iraq would provide regular progress reports to Congress on both the progress of the Iraqi government to take control of that country as well as the status of the redeployment efforts.

Finally, the conferees are also to be commended for providing needed funding to improve health care for returning soldiers and veterans, for continued Hurricane Katrina recovery for the Gulf Coast, to fill major gaps in homeland security, and to provide emergency drought relief for farmers.

Overall, the conference agreement provides more than $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. The legislation includes a $1 billion increase for the National Guard and Reserve equipment and $1.1 billion for military housing. The legislation also provides $3 billion ($1.2 billion more than the President's request) for the purchase of Mine Resistant Ambush Protected Vehicles (MRAP)—vehicles designed to withstand roadside bombs and more than $5 billion to ensure that returning troops and veterans receive the health care that they have earned with their service.

Mr. Speaker, I would be remiss if I did not point out that the tragic loss of life last week at Virginia Tech still weighs heavily on our hearts and minds. Neither the mind nor the heart can contemplate a cause that could lead a human being to resort to such senseless violence to injure and destroy fellow human beings. The thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

The war in Iraq has also caused a lot of unearned suffering in Iraq and here at home. This is the same war, Mr. Speaker, whose proponents misrepresented to the nation would last no more than six months and likely less than six weeks. This same war in Iraq, we were led to believe by the Administration, would cost less than $50 billion and would be paid out of the ample revenues from Iraq's oil fields. The war in Iraq, the American people were promised, should have ended years ago with Americans troops greeted as liberators by jubilant Iraqis throwing rose petals at their feet.

The President has threatened to veto the legislation now before us if it passes. According to the President and the Vice-President, H.R. 1591 "would undermine our troops and threaten the safety of the American people here at home." Coming from an Administration that has been wrong on every important question relating to the decision to launch the Iraq War as well the conduct of it, this claim is laughable. Little wonder that nearly 70 percent of Americans disapprove of the way the President is handling the war. But more important, the President's claim is simply not true.

Mr. Speaker, many of the nation's most highly respected generals have endorsed H.R. 1591; all of them oppose the President's plan to escalate the war in Iraq. Take, for example, Maj. Gen. John Batiste, U.S. Army, Ret.

"This important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military alone will never establish representative government in Iraq. The administration got it terribly wrong and I applaud our Congress for stepping up to their constitutional responsibilities."

Maj. Gen. Paul Eaton, USA, Ret. Supports this legislation because it "gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group." According to Major Eaton, the real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq:

The argument that this bill aides the enemy is simply not mature—nobody on the earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.

Lt. Gen. William E. Odom, U.S. Army (Ret.), President Reagan's Director of the National Security Agency, supports the bill because it "gives the president a chance to pull back from a disastrous course, re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved."

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breath taking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,316 brave servicemen and women (64 in the first 16 days of this month). More than 24,912 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

The depth, breadth, and scope of the President's misguided, mismanaged, and misrepresented war in Iraq is utterly without precedent in American history. It is a tragedy in a league all its own. But it was not unforeseeable or unavoidable.

Mr. Speaker, H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act the House passed last month provides real benchmarks and consequences if the Iraqi Government fails to live up to its commitments. First, it requires the President to certify and report to Congress on July 1, 2007 that substantial progress has been made on security, political and reconstruction benchmarks by the Iraqi government.

If the President cannot certify that the Iraqi government has made substantial progress, redeployment of U.S. combat troops must begin, with a goal of being completed within 180 days (by December 31, 2007). If the July certification is made, redeployment of U.S. combat troops must begin by October 1, 2007, with a goal of being completed within 180 days (by March 31, 2008).

The measure changes the mission of U.S. troops in Iraq after redeployment from combat to training and equipping Iraqi troops, targeted counterterrorism operations, and force protection.

I have to say, Mr. Speaker, the Iraqi Government is not off to a good start. The Green Zone surrounding Baghdad remains insecure. Two weeks ago, a suicide bomber managed to penetrate the security perimeter of the Iraqi Parliament and detonated a bomb that killed at least three members of the Iraqi parliament and wounded scores of others. Additionally, the market represented by Senator MCCAIN as an example of the improved security situation in Iraq was turned into a killing field within days after Senator MCCAIN'S visit. And just last week, we saw the bloodiest and deadliest day in Baghdad since the so-called "surge" began when 198 Iraqi civilians were massacred by insurgents.

Mr. Speaker, radical Shiite Muslim cleric Muqtada al-Sadr has reasserted his political power by yanking his loyalists from the Cabinet, a move aimed at showing his supporters he retains his credentials as an opposition leader and which increases the pressure on Prime Minister Nouri al-Maliki to loosen his embrace of the U.S. occupation, which many Iraqis blame for violence in the country.

These developments, Madam Speaker, illustrate the wisdom of requiring benchmarks the Iraqi Government must meet to justify continued American blood and treasure in Iraq. Moreover, because those benchmarks are established pursuant to President Bush's policies, it is passing strange indeed that he would threaten to veto the bill since it necessarily means he would be vetoing his own benchmarks for the performance of the Iraqi government. He would be vetoing his own readiness standards for U.S. troops. The President demands this Congress send him an Iraq war bill with "no strings." But the only "strings" attached, Madam Speaker, are the benchmarks and standards imposed by the President himself.

Mr. Speaker, in addition to the enormous financial cost, the human cost to the men and women of the United States Armed Forces has also been high but they have willingly paid it. Operation Iraqi Freedom has exacerbated the Veterans Administration health care facility maintenance backlog; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces.

The emergency supplemental acknowledges the sacrifices made by, and the debt of gratitude, we and the Iraqi people owe to Armed Forces of the United States. But more than that, it makes a substantial down payment on that debt by providing substantial increases in funding for our troops.

The supplemental includes a total appropriation of $2.8 billion for Defense Health Care, which is $1.7 billion above the President's request. The additional funding supports new initiatives to enhance medical services for active duty forces and mobilized personnel, and their family members. Included in this new funding is $450 million for Post Traumatic Stress Disorder/Counseling; $450 million for Traumatic Brain Injury care and research; $730 million to prevent health care fee increases for our troops; $20 million to address the problems at Walter Reed; and $14.8 million for burn care.

Unlike the Republican leadership of the 109th Congress and the Bush Administration, the new Democratic majority is committed to America's veterans. What's more, we back up that commitment by investing in their well-being. For example, the supplemental includes $1.7 billion above the President's request for initiatives to address the health care needs of Iraq and Afghanistan veterans and the backlog in maintaining VA health care facilities, including $550 million to address the backlog in maintaining VA health care facilities so as to prevent the VA from experiencing a situation similar to that found at Walter Reed Medical Center.

We provide an additional $250 million for medical administration to ensure there are sufficient personnel to support the growing number of Iraq and Afghanistan veterans and to maintain a high level of services for all veterans; $229 million for treating the growing number of Iraq and Afghanistan veterans; $100 million for contract mental health care, which will allow the VA to contract with private mental health care providers to ensure that Iraq and Afghanistan veterans are seen in the most timely and least disruptive fashion, including members of the Guard and Reserve; and $62 million to speed up the processing of claims of veterans returning from Iraq and Aghanistan.

Madam Speaker, when American troops are sent into harm's way, America has an obligation to do all it can to minimize the risk of harm to the troops. That is why it was so important that we included additional funding above the President's request to support our troops. We provide $2.5 billion more to address the current readiness crisis of our stateside troops, including ensuring that they are better equipped and trained. We include $1.4 billion more for military housing allowances and $311 million more for Mine Resistant Ambush Protected (MRAP) vehicles for troops in Iraq. And there is included in the supplemental $222 million more for infrared countermeasures for Air Force aircraft to address the growing threat against U.S. air operations in Iraq and Afghanistan

Equally important, Mr. Speaker, the supplemental contains language directing the President to adhere to current military guidelines for unit readiness, deployments, and time between deployments.

The supplemental requires the Defense Department to abide by its current Unit Readiness policy, requiring the chief of the military department concerned to determine that a unit is "fully mission capable" before it is deployed to Iraq. The President may waive this provision by submitting a report to Congress detailing why the unit's deployment is in the interests of national security despite the assessment that the unit is not fully mission capable.

The Defense Department is also required to abide by its current policy and avoid extending the deployment of units in Iraq in excess of 365 days for the Army and 210 days for the Marines. The provision may be waived by the President only by submitting a report to Congress detailing the particular reason or reasons why the unit's extended deployment is in the interests of national security.

Mr. Speaker, to reduce the incidence of combat fatigue and enhance readiness, it is important that our troops have sufficient "time out of the combat zone and training between deployments. That is why we require the Defense Department to abide by its current policy and avoid sending units back into Iraq before troops get the required time away from the war theater. The President may waive this provision by submitting a report to Congress detailing why the unit's early redeployment to Iraq is in the interests of national security.

Mr. Speaker, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held more than 100 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report to the shameful mistreatment of wounded soldiers recuperating at Walter Reed Medical Center.

Mr. Speaker, I urge the President should sign this measure, in order to get these needed resources to our troops and to our veterans and to hold the Iraqis accountable. By signing this legislation the President can help deliver the message to the Iraqi people that they must take responsibility for their own future. By signing this measure the President can show some leadership in the transitioning of the mission of U.S. troops from combat to training Iraqi troops and counterterrorism. Last, this legislation will help restore and strengthen our military, with a new Strategic Reserve Readiness Fund among other measures.

Last November the American people signaled clearly their loss of confidence in the President's leadership and their desire for a new direction in Iraq. In less than 120 days, the new Democratic majority has begun to deliver. And we will not rest, Madam Speaker, until we are clearly on a glide path to the day when our troops come home.

And even then our work will not be done. We must still be about the business of repairing the damage to America's international reputation and prestige. But this Democratic majority, led by the Progressive Caucus and the Out of Iraq Caucus, has ushered in a new era of oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

I urge all members to join me in supporting the Conference Report to H.R. 1591. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Passing this supplemental appropriations bill is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members of the House are once again reminded that they should direct their comments to the Chair.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to one of our hardest-working fighters, the gentleman from Dallas, Texas (Mr. HENSARLING).

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

Mr. Speaker, I rise in great opposition to this rule and to this conference report.

We are here, yet again, discussing a Democrat plan for a statutory date certain for America's defeat in Iraq. We are here, yet again, discussing the Democrats' "slow bleed" strategy for our brave men and women in uniform in Iraq, designed to gradually deny them the critical equipment, support, and reinforcements they need to do the job. We are here, yet again, discussing just how much pork and unrelated spending can be shoved into this conference report to encourage or persuade reluctant Members to support this legislation.

And, Mr. Speaker, according to today's L.A. Times and other major media outlets, we are likely to have this vote again and again and again because the majority party's leadership somehow believes it is in their political interests to do so.

Now, Mr. Speaker, we all know about the recent announcement of the Democratic leader in the Senate. He has announced to our troops, he has announced to al Qaeda, he has announced to the world that the war in Iraq is lost.

Mr. Speaker, Corporal Tyler Rock of the 1st Battalion, 6th Marines seems to disagree. I would quote him directly, but I believe the House rules would not permit it; so allow me to paraphrase that he has a quote for the Senate majority leader. Let me go on to say that he has said, "We could leave this place and say we are sorry to the terrorists, and then we could wait for 3,000 more American civilians to die before we say, 'Hey, that's not nice again.' "

Mr. Speaker, I suspect that Corporal Rock speaks for most of our troops. Let's not cut their support. There will be no greater event to empower radical Islam than our defeat and retreat from Iraq.

The terrorists that we fight there believe they have the moral authority to kill 2 million, 2 million of our children, two of them being my own.

They are the ones that say the battlefield is in Iraq. Why can't we understand that in the Halls of Congress?

There is no doubt that fighting this war is costly. There is no more difficult duty I have, or any of us have, than to meet with the mothers of those who have lost loved ones on the field of battle. But as difficult as that duty is, I

never, never, never want to meet with the mothers who lose children in the next 9/11 because we turned our back on our duty.

The cost of fighting this war is great. The cost of losing it is greater.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, according to our military leaders, the status quo is not working in Iraq. Major General Batiste said, ''The administration got it terribly wrong and I applaud Congress for stepping up.'' Lieutenant General Odom said our bill ''gives the President a chance to pull back from a disastrous course, reorient U.S. strategy to achieve regional stability, and win help from many other countries, the only way peace will eventually be achieved.''

Our military has done everything the President and the Congress and American people have asked it. The President asked our men and women in uniform to invade a country, and they did. The President asked them to go to war against a nation's army, and they did. The President asked them to seize a capital, and they did. The President asked the men and women in uniform to depose a dictator, and they did. The President asked the men and women in uniform to capture that dictator, and they did.

Given all these military achievements by our Armed Forces, why do we have today the worst national security crisis in over a generation? There is not now, nor has there ever been, a political plan that matches the military leadership that we have seen from our Armed Forces. But this administration has offered no real plan for success, and our troops have been asked to back the Iraqi Government that has yet to stand up for itself. The entire plan over the last 4 years offered by the President and the Republican Congress has been more troops, more time, more money, and more of the same, even though we know that the challenges we face today require more than the status quo. The President's policy has come down to the status quo plus.

Secretary of Defense Gates had it right: ''Any solution in Iraq is not purely military but also political.''

Our plan holds the Iraqi people accountable for their own nation. It requires the Iraqi people to meet the benchmarks for success, the same benchmarks that the President outlined on January 10 before he turned against his own benchmarks. We will give our troops and commanders the resources and freedom to do their job. But we will do the one thing that a Republican Congress has refused to do over the years: demand accountability from the Iraqis.

I urge my colleagues to support the rule and to support this legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my friend from New York for yielding.

Mr. Speaker, the President says send him the money. Let's be clear. This bill provides every penny the President asked for to fund the troops in Iraq. It also provides for something the President did not ask for: funds to help improve the treatment of our wounded soldiers at Walter Reed and other places around this country.

It also provides something that the American people have now insisted on but the White House doesn't ask for, and that is accountability with respect to the war in Iraq. That is why the President doesn't like the bill before us. We know the White House has become an accountability-free zone. The White House got used to a Congress, the old Republican Congress, that gave the President a blank check, money without accountability. And this provides funding with accountability. That is why they don't like it.

Let us be very clear. If the President vetoes this bill, he will be saying ''no'' to ensuring that our troops have the training and equipment that they need. If he vetoes this bill, he will saying ''no'' to ensuring that we hold the Iraqi Government accountable to the benchmarks which the Bush administration and the Iraqi Government have said are absolutely necessary to achieve political stability in Iraq. If he vetoes this bill, he will be saying ''no'' to those additional funds for our wounded soldiers at Walter Reed and for our veterans health care system.

He will also be saying ''no'' to the additional funds that we put in this bill to the fight against al Qaeda in Afghanistan. Here we are so many years after the attacks of September 11, 2001. Al Qaeda remains a vibrant organization and Osama bin Laden remains at large; we provide funds to go after Osama bin Laden, additional funds; the President will be saying ''no'' to that.

And the President, if he vetoes this bill, will be saying ''no'' to the overwhelming sentiment of the American people who understand the failed policy and say we need to change direction.

Let's change direction. Let's say ''yes'' to this conference committee report.

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Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, we here highly resolve that starting today we will no longer allow President Bush to make an infinite number of mistakes with an infinite number of our sons and daughters.

We know one thing, the President believes he has done a heck of a job in Iraq; the American people disagree. The people who are now doing our bidding in Iraq proudly are standing up for democracy, and we want some democracy here. We know that there is a difficult road to hoe in Iraq, but we know there should be an infinite wisdom in one source in America, and that is the American people.

There is no sovereignty, there is no king, there is no person who always does a heck of a job. When push comes to shove, we have got to listen to the American people, and the American people have spoken to us loudly. They have said it is time for the Iraqi leadership to quit fiddling around and form a government. And they know, as we do, as the retired generals who have come out full force and said that the American people are right, we cannot expect our service personnel to solve the political problem in Iraq. And now, 13 months have gone by since supposedly they formed this constitution and they were going to solve this problem of what to do with their oil, and they still haven't got an agreement. They are still fiddling around while our sons and daughters die.

Now, the troops and the generals understand that there is a message being sent by this resolution, and the message is to Maliki and the rest of the Iraqi leadership: You have got to stop fiddling around and form a government, and you have got to reach an agreement about oil. And until you do, there is going to be civil strife, civil war and Americans driving in the middle of that. This is a message to them: Solve this problem.

Ms. SLAUGHTER. I will yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, we have a moral obligation to support our troops while they are in combat and when they come home; that is why in this bill we fully fund our troops in Iraq and Afghanistan. So a ''no'' vote against this bill is a vote against $3.1 billion to build better barracks, housing and training facilities here at home for troops returning from war.

We believe that supporting our veterans is a real cost of war, just as real as guns, tanks and bullets. A ''no'' vote on this bill is a vote against $1.8 billion and funding high priority health care programs for our veterans, with a special focus on taking care of those who need it the most, those suffering from traumatic brain injury, PTSD, or a loss of arms and legs. Our veterans' sacrifices don't end after they come home, and neither should our commitment to them.

A ''no'' vote on this bill is a vote against a $100 million for contracting out health care services so that members of the Guard and Reserves in rural areas can receive the timely health care that they need and deserve. For some, that timely care can mean the difference between good health and depression, for others the difference between life and death.

To prevent a Walter Reed Annex 18 tragedy from occurring in VA hospitals, we fund $550 million to address serious maintenance and repair needs at our VA facilities. A ''no'' vote on this bill is a vote against that funding for veterans. The needs addressed in this bill are real, the dollar amounts are fiscally sound, and our troops and our veterans deserve no less.

A vote for this bill is a vote for better health care and housing for America's heroes. By voting for this bill, we can honor and respect our troops, our veterans and their families, not just with our words, but with our deeds.

I urge a ''yes'' vote on this rule and a ''yes'' vote for our troops on this conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation because where continuity is merited, we have continuity, and where change is demanded, we have change.

The continuity comes from the fact of a bipartisan consensus to provide every dollar that our troops in the field need, and this bill does that. That will not change. What must change, though, is the abrogation of constitutional responsibility by the erstwhile majority.

For over 3½ years, the erstwhile majority, Mr. Speaker, vacillated between apology and inaction. Yes, the President is the Commander in Chief, but no President should be the sole source of law and judgment. And for nearly 4 years, the erstwhile majority sat silently by as the quagmire deepened. That is changing under this legislation.

What also must change is the policy itself. We have been asked what our plan was. Here it is. We say to the Iraqis, you promised to pass an oil law. Pass it. You promised to have local elections. Have those elections. You promised to stand up your own security and police forces. Put them into the fight. If you succeed, we will then stay for an 18-month period of time to facilitate your success, but if you fail, the days of the blank check and the endless commitment are over.

The erstwhile majority, Mr. Speaker, has a hard time recognizing this plan because they have no plan. Their only approach is to ratify the failure of the status quo. The troops in the field and the American people deserve much, much better, and that is what this legislation provides.

I urge a ''yes'' vote.

Mr. DREIER. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining; the gentlewoman from New York has 1½ minutes remaining.

Mr. DREIER. Mr. Speaker, just a few weeks ago we lost a very dear friend of mine, one of our Nation's great former leaders, a woman who was a lifelong Democrat, and in 1984 she became a Republican when she addressed the Republican National Convention. Her name was Jeane Kirkpatrick; she served as Ronald Reagan's ambassador to the United Nations.

I will never forget the speech that she delivered at our party convention in 1984. She quoted the contemporary French writer, Jean-Francois Revel, who said, ''Clearly, a civilization that feels guilty for everything that it is and does will lack the energy and conviction to defend itself.''

Mr. Speaker, I was struck with that because that was at a time when there were many people who were maligning the United States of America; they said that we had gone to hell in a handbag. They were attacking all of the policies of Ronald Reagan, tax cuts which were ruining the country. And I have to say that on a regular basis, Mr. Speaker, I continue to hear the same kind of criticism, and yet we have what is obviously the greatest Nation the world has ever known.

Today, the Dow Jones Industrial Average crashed through 13,000. We saw last month 185,000 new jobs created, an unemployment rate of 4.4 percent. It is amazing that during this very difficult time in which we are trying to successfully prosecute the war on terror, we are enjoying such success because of the greatness of the United States of America and because of our people.

I am very proud of the record that we have put forward, and I am saddened regularly when I hear people malign us. And now we have this debate, we have this debate, which led, as was said by my friend from Marietta and by the gentleman from Dallas, the statement by the majority leader of the United States Senate that this war has been lost. I will tell you, Mr. Speaker, I believe that the American people are convinced that we can be successful.

I know that there are many who today are critical of the fact that we have gone to war. People are very upset about the fact that we have gone into Iraq. I happen to still at this moment believe that we did the right thing, but I know there are many people who have said that it was the wrong thing. And I've had constituents who have come up to me. In fact, just over this most recent district work period, I was at numerous meetings in California and a number of people came to me and they said, you know, I didn't support our going into Iraq, I think it was a mistake, but the fact of the matter is we are where we are. We have our men and women in uniform who are in Iraq.

We have seen elections take place in Iraq. We know the threat that continues to exist from Iran, Syria, Hezbollah, Hamas, al Qaeda, you can go right down the line. And people have said we want to figure out a way for victory. I've had people who said we shouldn't have gone into Iraq say to me, we need to figure out a way that we can be victorious. And the word ''victory'' is one that unfortunately we really haven't heard from the other side of the aisle. In fact, one of the questions asked today at the briefing with General Petraeus is, how do we define what victory is? Well, it is really twofold. It still is. It is, Mr. Speaker, an Iraq that can defend itself. And General Petraeus said to us today that there are members of the Iraqi Security Forces who are fighting and dying for their country, those are the exact words that he used, and an Iraq that can govern itself, Mr. Speaker.

We understand the fragility of this government, with the Shia, Sunni and Kurdish populations and the challenges that Prime Minister Maliki faces, but we do believe that we can be successful because we have to be successful.

Now we have gone through this process and we have heard people say on both sides of the aisle that we want to make sure that we get funding to our troops. Mr. Speaker, the best way for us to get funding to our troops is to defeat this rule and defeat the conference report. Why? Everyone has acknowledged that the President of the United States will veto a bill that guarantees failure, which is what this bill would do by establishing these arbitrary deadlines for withdrawal. So we have all acknowledged that the President is going to veto the bill.

Mr. Speaker, why don't we make sure that our troops have the support that everyone has said that they need by not going through the challenge of the Presidential veto, the time-consuming process of the Presidential veto, having this bill go to the other body to be considered tomorrow. Let's defeat it right now, defeat the rule. And if we don't defeat the rule, at least defeat the conference report itself so that we can immediately get down to work. When we do that, Mr. Speaker, I hope very much that we won't have a small cadre of individuals within the Democratic leadership preventing Democrats and Republicans from participating in this very important process to make sure that we have everything that is necessary so that the American people, who want victory, can in fact see victory achieved.

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

Ms. SLAUGHTER. Mr. Speaker, I am absolutely hard pressed to see how some people define ''success.''

I read in the New York Times front page that 80 percent of the marines who died of upper body wounds would have lived if only they had the proper equipment. I know that soldiers who serve in the National Guard and Reserve are losing their homes and their jobs, but never mind about that because the stock market is great. Aren't we doing well? It hasn't hurt us a bit. We haven't called for any sacrifice at all from the American people in this.

My heart is broken. I am ashamed and chagrined that this business about

the booming economy could be brought into this debate about life and death. My worry is about the young people who go over there and don't get the proper care that they need.

I couldn't believe the testimony of Tillman's brother yesterday and Jessica Lynch who said the military lied about them. What are we doing in this country? The country that fought the Second World War to save this world, we've been reduced to this, that we decide as long as the stock market is good, the world is good, and let them go over there and die because we are going to give them some kind of government we don't even know they want? For heaven sakes, to every man and woman in country there comes a moment to decide, Mr. Speaker. This is one of those moments.

□ 1915

We either vote for this rule and this bill, and we tell the President of the United States if he vetoes this, he is absolutely continuing on a road to absolute failure and that we are not going to be a party to it. We want to take care of the soldiers. And if he vetoes the money, it is on his head, not ours. But we will continue until we can get those soldiers and marines out of that morass.

Mr. BUYER. Mr. Speaker, I stand before you in opposition to this resolution. Once again, it champions a dismally irresponsible and dangerous course of action. Setting a date certain for withdrawal of our troops from Iraq would envelope Iraq in a cloud of chaos and self destruction and expose us to a heightened threat of terrorism at home. It ignores the President's plan for success in totality. It makes no consideration for the effort to make progress on diplomatic and economic fronts—essential components for that success to occur. They offer no solutions in this bill, only criticism.

Mr. HOYER's failed attempt on April 19th to correlate my involvement regarding the U.S. efforts in Bosnia in the 1990s to that of the situation in Iraq today stretches into the realm of absurdity. However, what was clear from that debate was that Mr. HOYER at the time, as well as Mr. MURTHA, agreed that we should not tie the hands of our President in military operations, even in operations that the Congress did not approve.

Mr. Speaker, let me refresh everyone's memories of that debate which took place in this Chamber, a debate in which I was the lead sponsor of three significant resolutions or amendments that set the course of this Congress—all three which passed by significant margins with support from both sides of the aisle.

But before I begin let me remind the Nation that there are significant differences and some similarities between the debate of Bosnia and today in Iraq. First, Congress did not authorize the President to use force in Bosnia. Congress did authorize the President to use military force in Iraq. Second, we did not begin the conflict in Bosnia, but we did in Iraq. Third, the Republican majority in Congress did in fact try to work with President Clinton to find a solution. Former Senator Bob Dole and I with others traveled with President Clinton to Bosnia and worked with him to set benchmarks for the civil implementation of the Dayton Accords. I did not assign a date certain to define success for each benchmark, this would have been folly. At the time the leaders of the peace were once leaders during the war and they focused more on these differences than that which brought them together as a nation. President Clinton did a very good job focusing the Bosnian leaders to accomplish the benchmarks and move to resolve their differences and build their new nation.

Last week on the House Floor my colleague, STENY HOYER attempted to re-write the history of my involvement, claiming that I supported a date certain for withdrawal of our troops from Bosnia and therefore I should do the same with our forces in Iraq. The two contexts are dissimilar. Let me set the record straight.

On October 30, 1995, the House agreed to House Resolution 247, a bill that I sponsored with my Democrat colleague, Paul McHale of Pennsylvania, by a vote of 315 to 103. Representatives HOYER, MURTHA, and PELOSI voted "no," Mr. SKELTON voted "yes." The bill stated that there should not be a presumption that the United States Armed Forces would be deployed to enforce a peace agreement that resulted from the negotiations regarding the conflict in the Republic of Bosnia and Herzegovina.

In early December 1995, the Dayton Accords concluded, laying a basis for the path to peace in Bosnia.

On December 13, 1995, I sponsored House Resolution 302 with IKE SKELTON, a bipartisan bill that passed the House by a vote of 287 to 141. Representatives HOYER, MURTHA, and PELOSI voted "no." That bill reiterated the serious concerns and opposition to the President's policy that would result in the deployment of 20,000 members of the U.S. Armed Forces on the ground in the territory of the Republic of Bosnia and Herzegovina.

Despite the expressed will of the House, President Clinton chose to proceed with the deployment of those members of the Armed Forces to enforce the Dayton peace agreement in Bosnia. H.R. 302 declared the policy of the House was that the President should rely on the judgment of the commanders of U.S. forces on the ground on all matters affecting safety, support, and well being of U.S. forces. Congress also declared to furnish the resources to support the needs of President and the Secretary of Defense.

Also on December 13, 1995, the President expressed to Congress that the military mission in Bosnia would be accomplished in 1 year, and our troops would be pulled out no later than December 1996. No one believed that the goal could be accomplished within 1 year. A date certain does not define success, the mission does.

However, despite that assertion, in November 1996, without the consent of Congress, President Clinton announced that the timeline was slipping and that our troops would not be withdrawn until June 1998.

By that point, the United States Armed Forces had acted quickly to achieve their military objectives in Bosnia. In short order, the courage, dedication, and professionalism of those personnel resulted in a significant mitigation of the violence and suffering in that region.

However, the implementation of the civil infrastructure—the humanitarian support, the establishment of a judicial system and a validated police force—all of the fundamental parts that help make a society function had stalled and there was no definitive plan to remedy the situation.

In response, on June 24, 1997, I offered an amendment to the National Defense Authorization Act of 1998 that passed the House by a vote of 278 to 148. Representatives HOYER, MURTHA, and PELOSI voted "no", SKELTON voted "yes." That amendment would have cut funding to U.S. military operations in Bosnia after June 30, 1998—a date set by the President. I did not set the date Mr. HOYER, this was President Clinton's date. This amendment was later incorporated into the conference report that included provisions that would allow U.S. forces to remain if the President made certain certifications and accomplished certain benchmarks. While I used the date certain given to us by the President, I made it clear that I supported benchmarks that set the conditions for a withdrawal of U.S. forces after the mission had been successfully completed.

President Clinton had set an arbitrary date without articulating a comprehensive plan—he did not identify the conditions to be met into order to trigger a troop withdrawal from Bosnia. He simply set a date, and then revised that date. We in Congress took that date, and required certain benchmarks to be met, while at the same time allowing the President the flexibility to allow troops to remain if he thought it was in the interests of U.S. national security.

In Bosnia, we worked in a bipartisan manner with the President to set the conditions for success in Bosnia and gave the President maximum flexibility. Today, this President gets no such deference or flexibility from the Democrat majority. Mr. HOYER and Mr. MURTHA want to enforce a date certain for this President. They do not want to work with this President to set the conditions for success. They simply want to trigger a date for withdrawal, before the mission is done.

It is ironic that Mr. HOYER and Mr. MURTHA voted against that amendment—they did not want to set a date certain for withdrawal and tie the hands of their President. They wanted to give him the latitude that he needed to insure that the mission in Bosnia met with success; to re-establish civility, an effective government, a validated police force and civil infrastructure. Today, their position is the opposite. President Bush is not setting a date certain as President Clinton had done.

Speaker PELOSI, Majority Leader HOYER and Mr. MURTHA all are seeking to tie the hands of this President. They want to cut off funds to our forces who are only doing what this Congress has asked them to do.

Congress should not tie the hands of the President with a date certain for withdrawal from Iraq. Unlike President Clinton with Bosnia, President Bush had the approval of Congress to go into Iraq. He has given us a plan, conditions that must be met before we start to bring our troops home. Yet, Mr. HOYER and his party want to set an arbitrary date, a date certain for withdrawal that does not correspond to those conditions whatsoever—cut off funding for our troops who seek only to succeed in their mission. This is defeatist strategy.

We need to help establish a stable Iraq before we withdrawal our forces—the provisions in this bill do not allow us that flexibility and

the price that we will pay is chaos in Iraq and further exposure to terror here at home.

The majority leader of the Senate, HARRY REID talks about polling data from Senator SCHUMER that indicate ''political'' gains by their party on Iraq. It is unfortunate that the Democrat majority think of Iraq in terms of political points, not national security. If we do not resolve this issue with immediacy, the readiness of our troops will be compromised. They are struggling to determine how they will redistribute funds to pay for their operations while we are here politicking. We must stop the defeatist strategy of the majority now—the one by which they hope to gain political capital from to the detriment of our troops in the field.

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

The previous question was ordered.

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

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

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 195, not voting 11, as follows:

[Roll No. 264]

AYES—226

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

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
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
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
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
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blunt
Cubin
Davis, Jo Ann
Gilchrest
Goode
Lampson
Radanovich
Reynolds
Watson
Waxman
Westmoreland

□ 1937

Mr. JORDAN of Ohio changed his vote from ''aye'' to ''no.''

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.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 332, I call up the conference report on the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 332, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of April 24, 2007, at page H3823.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 1591.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, this bill gives the President the exit strategy from the Iraqi civil war that up until now he has not had.

Next Tuesday will be the fourth anniversary of the President's ''Mission Accomplished'' landing on that famous aircraft carrier. On that date, U.S. troops had won the war in Iraq, but since that time the administration's mismanagement, their misjudgments, and their missed opportunities have entangled us in a quagmire that has become a prolonged civil war. That civil war has gutted our influence in the Middle East and much of the world. In the last 4 years, the administration has spent over half a trillion dollars. It has stretched the Army to the limit, brought our Guard and Reserve to the breaking point, and reduced our military to the lowest state of military readiness in modern history.

The President has refused to finance this war through the normal appropriations process. He has chosen to mask the true cost of the war by paying for it on the installment plan through a series of supplemental requests. He has

now requested another supplemental of almost another $100 billion in military spending, and almost $4 billion in other additional spending. The bill before us today is our response.

We provide $4 billion more than the President asked for for troops in the field. The President is objecting on two grounds. First, he does not like the conditions we have placed on funding for the war. Second, he objects to the money we have added for other crucial activities. He calls it ''pork.'' So do some of the charter members of the ''Invent Your Own Facts Club'' that seems to populate this institution.

We have provided $4 billion more than he has asked for for operation and maintenance for personnel costs and for procurement.

We have provided $750 million more than he asked for for Afghanistan.

We have provided $2.2 billion more for military health to meet the medical needs of our returning soldiers. We have added $1.8 billion for veterans health care above the amount the President asked for.

We have provided $2.2 billion more for aviation security, port security, and border security.

We have provided $80 million more for nuclear nonproliferation, and we have added $150 million for the FBI.

We have provided $650 million more than the President asked for for the pandemic flu emergency, cleaning up an action that last year's Congress never got around to completing.

We have provided $3.3 billion more for Katrina, again cleaning up some more business that last year's Congress failed to complete.

We have also provided $3.1 billion more for BRAC which the administration itself asked for in its budget last year.

We provided $500 million for wild land fires, the same amount put into the same account by the Republican majority 2 years ago for the same purposes.

We have added $400 million to low income heating assistance because the previous Congress cut that by $1 billion. We should have added back the whole billion dollars, but in the interest of saving money we confined it to $400 million.

We have added $425 million to continue the rural school payments in the West that the last Congress never got around to renewing. Unfortunately, they allowed that program to expire, as they allowed so many other things to expire last year.

We have also provided $3.5 billion for agriculture disaster, again an issue which has been hanging around for more than a year. The President has declared more than 70 percent of the counties in this country to be agriculture disaster areas. There ought to be some action that flows from that unless we are taking the President's initial action to be meaningless.

We have also provided $396 million in SCHIP to make certain that low income children and low income families don't fall off the State health care rolls. We have been asked to do that by bipartisan Governors from 14 States.

If the President wants to object to those items and call them pork, or of members of the flat earth club in this body want to call it pork, that's fine with me; I think the public will look at those issues somewhat differently.

The President is attacking these additional items as a smoke screen to obscure the fact that the key issue on this bill is whether or not there will be a change in direction with respect to our policy in Iraq.

□ 1945

This bill supports the troops. It begins to hold Iraq and the administration accountable, and it points the way to ending our involvement in a protracted civil war.

As a condition of providing the President with the funds he has asked for, we require that our American military units meet certain standards that are known as the Murtha standards. They simply require that any unit sent into battle be fully combat ready. They would require, as the Defense Department already has for the most part, they would require that any unit that has been in Iraq does not have to stay there for more than a year without relief, and they also require that if they are sent back, they get to spend at least a year at home before they go back. And in an era where no one is being asked to sacrifice except military families, it seems to me those are all minimum goals that we all ought to be willing to adhere to.

Because the President rejected these requirements, we have given him the right to waive these requirements, but only if he spells out to the country why he has departed from them. That is imminently reasonable. He owes the country that explanation.

We require that Iraq meet certain performance benchmarks, benchmarks that were first laid out by the President himself, and we tie those benchmarks to a timeline. If those benchmarks are met, redeployment of U.S. troops must begin by July 1. If they are not met, they must begin by October. Those dates are firm. The goal for completing such redeployment is 6 months after it starts.

Now, the President objects to the fact that we are setting timelines, but the Secretary of Defense himself was quoted in the Washington Post as noting that these timelines, in fact, have helped give the Iraqis a message that we are not going to stay in Iraq forever. We stand by them. We believe these benchmarks and these timelines are necessary in order to give General Petraeus the ability to make clear to the Iraqis that we are not going to stay there forever, while they refuse to make the political compromises necessary to end the civil war.

Iraqis and the President must understand our troops won the war. They cannot achieve the political and diplomatic compromises that are needed to end the civil war, only the Iraqis can do that.

Four years after ''mission accomplished'' is long enough, Mr. Speaker. If the President were here I would simply say to him, ''Mr. President, with this bill we have compromised on two fronts. We have responded to your objection to the Murtha principles by giving you the ability to waive them; all you have to do is explain why to the country.'' We have responded to his concerns about those timelines by adjusting them and making them somewhat more flexible in terms of their completion.

So I would say to the President if he were here, ''Mr. President, it is your turn; we need a new direction and we need it now. Please do not say, as you said last week'' I will talk but I will not compromise. ''Mr. President, after 4 years, you need to change the direction. You need to sign this bill.''

Mr. Speaker, I include for the RECORD the following tabular material reflecting the funding levels in the conference report.

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2007				
TITLE I - SUPPLEMENTAL APPROPRIATIONS FOR THE GLOBAL WAR ON TERROR				
CHAPTER 1				
DEPARTMENT OF AGRICULTURE				
Foreign Agricultural Service				
Public Law 480 Title II Grants (emergency).....	350,000	450,000	475,000	460,000
General Provisions				
Sec. 1101. Bill Emerson Humanitarian Trust (emergency)	---	---	82,000	40,000
Total, Chapter 1.....	350,000	450,000	557,000	500,000
CHAPTER 2				
DEPARTMENT OF JUSTICE				
General Administration				
Office of the Inspector General (emergency).....	---	---	500	---
General Legal Activities				
Salaries and expenses (emergency).....	4,093	1,648	4,093	1,648
United States Attorneys				
Salaries and expenses (emergency).....	5,000	5,000	12,500	5,000
United States Marshals Service				
Salaries and expenses (emergency).....	14,921	2,750	32,500	6,450
National Security Division				
Salaries and expenses (emergency).....	1,736	1,736	1,736	1,736
Federal Bureau Of Investigation				
Salaries and Expenses (emergency).....	118,260	118,260	348,260	268,000
Drug Enforcement Administration				
Salaries and Expenses (emergency).....	8,468	8,468	25,100	12,166
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses (emergency).....	4,000	4,000	4,000	4,000
Federal Prison System				
Salaries and expenses (emergency).....	17,000	17,000	17,000	17,000
Total, Chapter 2.....	173,478	158,862	445,689	316,000
CHAPTER 3				
DEPARTMENT OF DEFENSE - MILITARY				
Military Personnel				
Military Personnel, Army (emergency).....	8,510,270	8,878,899	8,870,270	8,853,350
Military Personnel, Navy (emergency).....	692,127	1,100,410	1,100,410	1,100,410
Military Personnel, Marine Corps (emergency).....	1,386,871	1,495,828	1,495,827	1,495,827
Military Personnel, Air Force (emergency).....	1,101,287	1,229,334	1,218,587	1,218,587
Reserve Personnel, Army (emergency).....	147,244	173,244	147,244	147,244
Reserve Personnel, Navy (emergency).....	72,800	82,800	77,523	86,023
Reserve Personnel, Marine Corps (emergency).....	---	15,000	---	5,660
Reserve Personnel, Air Force (emergency).....	3,000	14,100	9,073	11,573
National Guard Personnel, Army (emergency).....	436,025	552,725	474,978	545,286
National Guard Personnel, Air Force (emergency).....	---	24,600	41,533	44,033
Subtotal.....	12,349,624	13,566,940	13,435,445	13,507,993

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Operation and Maintenance				
Operation and Maintenance, Army (emergency)	20,423,379	20,897,672	20,373,379	20,373,379
Operation and Maintenance, Navy (emergency)	5,040,482	5,115,397	4,865,003	4,676,670
(Transfer to Coast Guard) (emergency)	(-120,293)	(-120,293)	(-120,293)	(-120,293)
Operation and Maintenance, Marine Corps (emergency)	1,401,594	1,503,694	1,101,594	1,146,594
Operation and Maintenance, Air Force (emergency)	7,035,881	6,909,259	6,685,881	6,650,881
Operation and Maintenance, Defense-Wide (emergency)	3,279,307	2,855,993	2,790,669	2,714,487
Operation and Maintenance, Army Reserve (emergency)	74,049	74,049	74,049	74,049
Operation and Maintenance, Navy Reserve (emergency)	111,066	111,066	111,066	111,066
Operation and Maintenance, Marine Corps Reserve (emergency)	13,591	13,591	13,591	13,591
Operation and Maintenance, Air Force Reserve (emergency)	10,160	10,160	10,160	10,160
Operation and Maintenance, Army National Guard (emergency)	83,569	133,569	83,569	83,569
Operation and Maintenance, Air National Guard (emergency)	38,429	38,429	38,429	38,429
Afghanistan Security Forces Fund (emergency)	5,906,400	5,906,400	5,906,400	5,906,400
Iraq Security Forces Fund (emergency)	3,842,300	3,842,300	3,842,300	3,842,300
Iraq Freedom Fund (emergency)	565,600	155,600	455,600	355,600
Joint Improvised Explosive Device Defeat Fund (emergency)	2,432,800	2,432,800	2,432,800	2,432,800
Strategic Reserve Readiness Fund (emergency)	---	2,500,000	---	2,000,000
Subtotal	50,258,607	52,499,979	48,784,490	50,429,975
Procurement				
Aircraft Procurement, Army (emergency)	627,750	461,850	619,750	619,750
Missile Procurement, Army (emergency)	160,173	160,173	111,473	111,473
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	3,502,315	3,474,389	3,400,315	3,404,315
Procurement of Ammunition, Army (emergency)	681,500	681,500	681,500	681,500
Other Procurement, Army (emergency)	10,946,687	10,197,399	10,589,272	11,076,137
Aircraft Procurement, Navy (emergency)	730,713	995,797	963,903	1,090,287
Weapons Procurement, Navy (emergency)	171,813	171,813	163,813	163,813
Procurement of Ammunition, Navy and Marine Corps (emergency)	159,833	159,833	159,833	159,833
Other Procurement, Navy (emergency)	745,425	937,407	722,506	748,749
Procurement, Marine Corps (emergency)	2,055,715	1,885,383	1,703,389	2,252,749
Aircraft Procurement, Air Force (emergency)	1,726,336	2,474,916	1,431,756	2,106,468
Missile Procurement, Air Force (emergency)	140,300	140,300	78,900	94,900
Procurement of Ammunition, Air Force (emergency)	95,800	95,800	6,000	6,000
Other Procurement, Air Force (emergency)	2,092,754	2,042,183	1,972,131	2,096,200
Procurement, Defense-Wide (emergency)	979,380	934,930	903,092	980,050
National Guard and Reserve Equipment (emergency)	---	---	1,000,000	---
Subtotal	24,816,494	24,813,673	24,507,633	25,592,224
Research, Development, Test and Evaluation				
Research, Development, Test and Evaluation, Army (emergency)	115,976	60,781	125,576	100,006
Research, Development, Test and Evaluation, Navy (emergency)	460,175	295,737	308,212	298,722
Research, Development, Test and Evaluation, Air Force (emergency)	220,721	132,928	233,869	187,176
Research, Development, Test and Evaluation, Defense-wide (emergency)	650,864	545,904	522,804	512,804
Subtotal	1,447,736	1,035,350	1,190,461	1,098,708
Revolving And Management Funds				
Defense Working Capital Funds (emergency)	1,315,526	1,315,526	1,315,526	1,315,526
National Defense Sealift Fund (emergency)	5,000	5,000	5,000	5,000
Subtotal	1,320,526	1,320,526	1,320,526	1,320,526
Other Department of Defense Programs				
Defense Health Program (emergency)	1,123,147	2,789,703	2,466,847	3,251,853
Operation and maintenance (emergency)	(1,073,147)	(2,289,703)	(2,277,147)	(2,802,153)
Procurement (emergency)	---	---	(118,000)	(118,000)
Research, development, test and evaluation (emergency)	---	(500,000)	(71,700)	(331,700)
Medical support fund (emergency)	(50,000)	---	---	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	259,115	259,115	254,665	254,665
Subtotal	1,382,262	3,048,818	2,721,512	3,506,518

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	FY 2007 Request	House	Senate	Conference
Related Agencies				
Intelligence Community Management Account (emergency).	66,726	57,426	71,726	71,726
General Provisions				
Sec. 1302. New transfer authority (emergency).....	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
Sec. xxxx. Additional transfer authority (emergency)..	(3,500,000)	---	---	---
Sec. 1305. Defense Cooperative Account transfer authority (emergency).....	1,000	1,000	1,000	1,000
Sec. xxxx. Procurement, Marine Corps MRAP (emergency).	---	---	1,500,000	---
Sec. xxxx. Contractor efficiency savings (emergency)..	---	-815,000	---	---
Sec. xxxx. Army IG disability claims recommendations..	---	1,000	---	---
Sec. 1322. Military Construction, Army (by transfer) (emergency).....	---	---	---	(-6,250)
Sec. 1323. Economic Support Fund (Department of State) (by transfer) (emergency).....	(-110,000)	(-100,000)	---	(-110,000)
Total, Chapter 3.....	91,642,975	95,529,712	93,532,793	95,528,670
CHAPTER 4				
DEPARTMENT OF ENERGY				
Atomic Energy Defense Activities	---	---	---	---
National Nuclear Security Administration				
Defense nuclear nonproliferation (emergency).....	63,000	150,000	63,000	150,000
CHAPTER 5				
DEPARTMENT OF HOMELAND SECURITY				
Analysis and operations (emergency).....	---	35,000	---	15,000
United States Customs and Border Protection				
Salaries and expenses (emergency).....	---	100,000	140,000	115,000
(Transfer to Federal Law Enforcement Training Center) (emergency).....	---	(-1,000)	---	(-5,000)
Air and Marine Interdiction, Operations, Maintenance, and Procurement (emergency).....	---	150,000	75,000	120,000
Subtotal.....	---	250,000	215,000	235,000
United States Immigration and Customs Enforcement				
Salaries and expenses (emergency).....	---	---	20,000	10,000
Transportation Security Administration				
Aviation security (emergency).....	---	1,250,000	660,000	970,000
Federal Air Marshals (emergency).....	---	---	15,000	8,000
Subtotal.....	---	1,250,000	675,000	978,000
United States Coast Guard				
Operating expenses (Transfer from Defense, O&M, Navy) (emergency)....	(120,293)	(120,293)	(120,293)	(120,293)
National Protection and Programs				
Infrastructure protection and information security (emergency).....	---	25,000	18,000	37,000
Office of Health Affairs (emergency).....	---	---	18,000	15,000
Federal Emergency Management Agency				
Management and Administration (emergency).....	---	---	20,000	25,000
Salaries and expenses (emergency).....	---	25,000	---	---
State and local programs (emergency).....	---	415,000	855,000	552,500
Emergency management performance grants (emergency)...	---	100,000	100,000	100,000
Subtotal.....	---	540,000	975,000	677,500
United States Citizenship and Immigration Services (emergency).....	---	---	25,000	10,000

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	FY 2007 Request	House	Senate	Conference
Federal Law Enforcement Training Center				
Federal Law Enforcement Training Center - (Transfer from Customs and Border Protection) (emergency)	---	(1,000)	---	(5,000)
Science and Technology				
Research, Development, Acquisition, and Operations (emergency)	---	---	15,000	10,000
Domestic Nuclear Detection Office				
Research, development and operations (emergency)	---	---	39,000	39,000
Systems Acquisition (emergency)	---	400,000	---	223,500
Subtotal	---	400,000	39,000	262,500
Total, Chapter 5	---	2,500,000	2,000,000	2,250,000
CHAPTER 6				
LEGISLATIVE BRANCH				
HOUSE OF REPRESENTATIVES				
Salaries and Expenses				
Allowances and expenses (emergency)	---	6,437	---	6,437
Government Accountability Office				
Salaries and expenses (emergency)	---	---	374	374
Total, Chapter 6	---	6,437	374	6,811
CHAPTER 7				
DEPARTMENT OF DEFENSE - MILITARY				
Military construction, Army (emergency)	1,289,290	1,329,240	1,261,390	1,255,890
Military construction, Navy and Marine Corps (emergency)	390,500	389,300	347,890	370,990
Military construction, Air Force (emergency)	60,200	60,200	34,700	43,300
Military construction, Air Force Reserve (emergency)	---	---	3,096	---
(Rescission)	---	---	-3,096	---
Department of Defense base closure account 2005 (emergency)	---	3,136,802	3,136,802	3,136,802
Total, Chapter 7	1,739,990	4,915,542	4,780,782	4,806,982
CHAPTER 8				
DEPARTMENT OF STATE				
Administration of Foreign Affairs				
Diplomatic and Consular Programs (emergency)	912,996	966,954	815,796	870,658
(Transfer out)(emergency)	---	---	(-20,000)	(-20,000)
Office of Inspector General (emergency)	35,000	46,800	36,500	36,500
Education and Cultural Exchange Programs (emergency)	20,000	20,000	25,000	20,000
Rescission of emergency funding (emergency)	---	---	-15,000	---
Emergencies in Diplomatic and Consular Service (By transfer)(emergency)	---	---	(20,000)	(20,000)
Subtotal	967,996	1,033,754	862,296	927,158
International Organizations				
Contributions for International Organizations (emergency)	---	---	59,000	50,000
Contributions for International Peacekeeping Activities (emergency)	200,000	288,000	200,000	288,000
(By transfer) (emergency)	---	---	(128,000)	---
Subtotal	200,000	288,000	259,000	338,000

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
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	FY 2007 Request	House	Senate	Conference
RELATED AGENCY				
Broadcasting Board of Governors				
International Broadcasting Operations (emergency)	10,000	10,000	10,000	10,000
BILATERAL ECONOMIC ASSISTANCE				
Funds Appropriated to the President				
United States Agency for International Development				
Child survival and disease programs (emergency)	161,000	161,000	161,000	161,000
International disaster and famine assistance (emerg.)	105,000	135,000	187,000	165,000
Operating expenses of USAID (emergency)	5,700	10,700	5,700	8,700
Operating expenses of USAID, Office of the Inspector General (emergency)	---	3,500	4,000	3,500
Subtotal	271,700	310,200	357,700	338,200
Other Bilateral and Economic Assistance				
Economic Support Fund (emergency)	3,025,000	2,953,000	2,602,200	2,649,300
(Transfer from Department of Defense) (emergency)	(110,000)	(100,000)	---	(110,000)
Assistance for Eastern Europe and the Baltic States (emergency)	279,000	239,000	214,000	229,000
Subtotal	3,304,000	3,192,000	2,816,200	2,878,300
Department of State				
Democracy fund (emergency)	---	---	465,000	260,000
International narcotics control and law enforcement (emergency)	260,000	334,500	210,000	257,000
(Rescission of emergency funding)	---	---	-13,000	-13,000
Migration and refugee assistance (emergency)	71,500	111,500	143,000	130,500
United States Emergency Refugee and Migration Assistance fund (emergency)	30,000	35,000	55,000	55,000
Nonproliferation, Antiterrorism, Demining and Related programs (emergency)	27,500	87,500	27,500	57,500
Subtotal	389,000	568,500	887,500	747,000
Department of the Treasury				
International affairs technical assistance (emergency)	2,750	2,750	2,750	2,750
MILITARY ASSISTANCE				
Funds Appropriated to the President				
Foreign Military Financing Program (emergency)	220,000	260,000	220,000	265,000
Peacekeeping operations (emergency)	278,000	225,000	323,000	230,000
(Transfer out)(emergency)	---	---	(-128,000)	---
Subtotal	498,000	485,000	543,000	495,000
Total, Chapter 8	5,643,446	5,890,204	5,738,446	5,736,408
DEPARTMENT OF THE TREASURY				
Departmental Offices				
Salaries and expenses (emergency)	2,538	---	---	---
Total, Title I	99,615,427	109,600,757	107,118,084	109,294,871
Appropriations	---	(1,000)	---	---
Emergency appropriations	(99,615,427)	(109,599,757)	(107,149,180)	(109,307,871)
Rescission	---	---	(-3,096)	---
Rescission of emergency funding	---	---	(-28,000)	(-13,000)
by transfer (emergency)	(230,293)	(221,293)	(268,293)	(255,293)
transfer out (emergency)	(-230,293)	(-221,293)	(-268,293)	(-255,293)

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
TITLE II - ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY				
CHAPTER 1				
DEPARTMENT OF AGRICULTURE				
General Provisions				
Sec. 2101 Emergency Forestry Conservation Reserve program (emergency)	---	---	115,000	115,000
Sec. xxxx. Livestock assistance (emergency)	---	25,000	---	---
Sec. xxxx. Irrigated crops (emergency)	---	15,000	---	---
Sec. xxxx. Citrus (emergency)	---	100,000	---	---
Total, Chapter 1	---	140,000	115,000	115,000
CHAPTER 2				
DEPARTMENT OF JUSTICE				
Office of Justice Programs				
State and Local Law Enforcement Assistance (emergency)	---	---	170,000	50,000
(Hurricane recovery)	---	---	(70,000)	(50,000)
(Presidential conventions)	---	---	(100,000)	---
DEPARTMENT OF COMMERCE				
National Oceanic and Atmospheric Administration				
Operations research, and facilities (emergency)	---	120,000	165,900	110,000
Procurement, acquisition, and construction (emergency)	---	---	6,000	---
Fisheries Disaster Mitigation fund (emergency)	---	---	50,000	---
Subtotal	---	120,000	221,900	110,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Exploration capabilities (emergency)	---	35,000	---	35,000
Total, Chapter 2	---	155,000	391,900	195,000
CHAPTER 3				
DEPARTMENT OF DEFENSE - CIVIL				
DEPARTMENT OF THE ARMY				
Corps of Engineers - Civil				
Construction (emergency)	---	37,080	150,000	25,300
(Transfer to Flood control and costal emergencies) (emergency)	(-270,000)	---	---	---
Flood control and coastal emergencies (emergency)	---	1,300,000	1,407,700	1,407,700
(Transfer from Construction) (emergency)	(270,000)	---	---	---
Total, Chapter 3	---	1,337,080	1,557,700	1,433,000
CHAPTER 4				
SMALL BUSINESS ADMINISTRATION				
Disaster loan program account:				
Administrative expenses (emergency)	---	25,069	25,069	---
Administrative expenses (unobligated balances (emergency)	---	---	---	(25,069)
Economic injury disaster loans (unobligated balances) (emergency)	---	---	---	(25,000)
General Provisions				
Sec. 2401. Economic injury disaster loan (emergency)	---	---	25,000	---
Total, Chapter 4	---	25,069	50,069	---

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
CHAPTER 5				
DEPARTMENT OF HOMELAND SECURITY				
Office of the Inspector General				
(Transfer from Disaster Relief) (emergency)	---	(4,000)	---	(4,000)
Federal Emergency Management Agency				
Disaster Relief (emergency)	3,400,000	4,310,000	4,310,000	4,610,000
(Transfer to OIG) (emergency)	---	(-4,000)	---	(-4,000)
General Provisions				
Sec.2502. Community Disaster Loan Act (emergency)	---	320,000	320,000	320,000
Total, Chapter 5	3,400,000	4,630,000	4,630,000	4,930,000
CHAPTER 6				
DEPARTMENT OF THE INTERIOR				
National Park Service				
Historic Preservation Fund (emergency)	---	---	15,000	10,000
General Provisions				
Sec. 2601.				
National recreation and preservation fund (by transfer) (emergency)	---	---	---	(500)
Historic Preservation Fund (transfer) (emergency)	---	---	---	(-500)
CHAPTER 7				
DEPARTMENT OF EDUCATION				
Higher education (emergency)	---	30,000	30,000	30,000
Hurricane education recovery (emergency)	---	30,000	30,000	30,000
Total, Chapter 7	---	60,000	60,000	60,000
CHAPTER 8				
DEPARTMENT OF TRANSPORTATION				
Federal Highway Administration				
Federal-aid Highways				
Emergency relief programs (emergency)	---	---	388,903	682,942
Federal-aid highways (rescission of contract authority)	---	---	-388,903	-682,942
Federal Transit Administration				
Formula grants (emergency)	---	---	75,000	35,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Public and Indian Housing				
Tenant-based rental assistance:				
Disaster voucher program (emergency)	---	80,000	---	---
Unobligated balances (rescission) (emergency)	---	-80,000	---	---
Office of Inspector General (emergency)	---	10,240	5,000	7,000
Total, Chapter 8	---	10,240	80,000	42,000
Total, Title II	3,400,000	6,357,389	6,899,669	6,785,000
Emergency appropriations	(3,400,000)	(6,437,389)	(7,288,572)	(7,467,942)
Rescission of emergency funding	---	(-80,000)	---	---
Rescission of contract authority	---	---	(-388,903)	(-682,942)
by transfer (emergency)	(270,000)	(4,000)	---	(4,500)
transfer out (emergency)	(-270,000)	(-4,000)	---	(-4,500)

Emergency Supplemental Appropriations Act, 2007 (H.R. 1591)
(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
TITLE III - OTHER EMERGENCY APPROPRIATIONS				
CHAPTER 1				
DEPARTMENT OF COMMERCE				
National Oceanic and Atmospheric Administration				
Operations research, and facilities (emergency).....	---	60,400	---	60,400
CHAPTER 2				
DEPARTMENT OF DEFENSE - CIVIL				
DEPARTMENT OF THE ARMY				
Corps of Engineers - Civil				
Operation and maintenance (emergency).....	---	---	3,000	3,000
Flood control and coastal emergencies (emergency).....	---	---	150,000	150,000
DEPARTMENT OF THE INTERIOR				
Bureau of Reclamation				
Water and related resources (emergency).....	---	---	18,000	18,000
Total, Chapter 2.....	---	---	171,000	171,000
CHAPTER 3				
DEPARTMENT OF THE INTERIOR				
Bureau of Land Management				
Wildland fire management (emergency).....	---	100,000	100,000	100,000
United States Fish and Wildlife Service				
Resource management (emergency).....	---	7,398	7,398	7,398
National Park Service				
Operation of the National Park System (emergency).....	---	525	525	525
U.S. Geological Survey				
Surveys, investigations, and research (emergency).....	---	5,270	5,270	5,270
Subtotal.....	---	113,193	113,193	113,193
DEPARTMENT OF AGRICULTURE				
Forest Service				
National Forest System (emergency).....	---	---	12,000	12,000
Wildland fire management (emergency).....	---	400,000	400,000	400,000
General Provisions				
Sec. 3301. Secure Rural Schools (emergency).....	---	400,000	---	425,000
Subtotal.....	---	800,000	412,000	837,000
Total, Chapter 3.....	---	913,193	525,193	950,193
CHAPTER 4				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Centers for Disease Control and Prevention				
Disease control research and training (emergency).....	---	---	13,000	13,000
CDC Occupational Safety and Health 9/11 (emergency)...	---	---	3,589	50,000
Subtotal.....	---	---	16,589	63,000

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(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
Administration for Children and Families				
Low-income home energy assistance (emergency)	---	400,000	640,000	400,000
Office of the Secretary				
Public Health and Social Services Emergency Fund (emergency)	---	969,650	820,000	625,000
Covered Countermeasure Process Fund (emergency)	---	50,000	50,000	25,000
Subtotal	---	1,019,650	870,000	650,000
General Provisions				
Sec. 3401. DOL Training and employment services (rescission) (emergency)	---	---	-3,589	-4,494
Sec. 3401. DOL State umemployment insurance and employment service ops (rescission) (emergency)	---	---	---	-4,100
Sec. 3402. DOEd Safe and drug free school zone (national programs) (emergency)	---	---	---	8,594
Subtotal	---	---	-3,589	---
Total, Chapter 4	---	1,419,650	1,523,000	1,113,000
CHAPTER 5				
Architect of the Capitol				
Capitol power plant (emergency)	---	50,000	25,000	50,000
CHAPTER 6				
DEPARTMENT OF VETERANS AFFAIRS				
Veterans Benefits Administration				
Compensation and pensions	---	20,000	---	---
Veterans Health Administration				
Medical services (emergency)	---	414,982	454,131	466,778
Medical administration (emergency)	---	256,300	250,000	250,000
Medical facilities (emergency)	---	595,000	595,000	595,000
Medical and prosthetic research (emergency)	---	35,000	30,000	32,500
Subtotal	---	1,301,282	1,329,131	1,344,278
Departmental Administration				
General operating expenses (emergency)	---	62,000	46,000	83,200
Information technology systems (emergency)	---	35,000	36,100	35,100
Construction, major projects (emergency)	---	23,800	---	---
Construction, minor projects (emergency)	---	260,000	355,907	326,000
Subtotal	---	380,800	438,007	444,300
Total, Chapter 6	---	1,702,082	1,767,138	1,788,578
Total, Title III	---	4,145,325	4,011,331	4,133,171
Appropriations	---	(20,000)	---	---
Emergency appropriations	---	(4,125,325)	(4,014,920)	(4,141,765)
Rescission of emergency funding	---	---	(-3,589)	(-8,594)
TITLE IV - OTHER MATTERS				
CHAPTER 1				
DEPARTMENT OF AGRICULTURE				
Farm Service Agency				
Salaries and expenses	---	48,000	75,000	37,500

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	FY 2007 Request	House	Senate	Conference
General Provisions				
Sec. xxxx. Trade Adjustment Assistance (rescission)...	---	---	-75,000	---
Total, Chapter 1	---	48,000	---	37,500
CHAPTER 2				
DEPARTMENT OF HOMELAND SECURITY				
Sec. 4401. US Coast Guard retired pay (mandatory).....	---	---	100,000	30,000
Sec. 4404 Rescission of unobligated balances:				
Office of the Secretary and Executive Management..	---	---	---	-1,201
Office of the Under Secretary for Management.....	---	---	---	-513
Office of Chief Information Officer.....	---	---	---	-462
Office of the Chief Financial Officer.....	---	---	---	-45
Preparednes - Management and Administration.....	---	---	---	-968
Science and Technology - Management and Administration.....	---	---	---	-1,215
United States Secret Service - Salaries and Expenses.....	---	---	---	-450
FEMA - Administrative and Regional Operations.....	---	---	---	-450
United States Coast Guard - Operating expenses....	---	---	---	-25,596
Various accounts.....	---	-20,000	---	---
Total, Rescission of unobligated balances	---	-20,000	---	-30,900
Sec. 4404. US Coast Guard Acquisition, construction and improvements.....	---	---	---	30,000
Sec. 4404. Office of the Undersecretary for Management.....	---	---	---	900
Total, Chapter 2	---	-20,000	100,000	30,000
CHAPTER 3				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Indian Health Service				
Sec. 4502.				
Indian health services (Transfer to Indian health facilities).....	---	(-7,300)	(-7,300)	(-7,300)
Indian health facilities (Transfer from Indian health services).....	---	(7,300)	(7,300)	(7,300)
CHAPTER 4				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
National Institutes of Health				
National Institute of Allergy and Infectious Diseases (Transfer to Public Health and Social Services Emergency Fund).....	---	(-49,500)	(-49,500)	(-49,500)
Office of the Director (Transfer to Public Health and Social Services Emergency Fund).....	---	---	---	(-49,500)
Subtotal	---	(-49,500)	(-49,500)	(-99,000)
Office of the Secretary				
Public Health and Social Services Emergency Fund (Transfer from National Institues of Health).....	---	(49,500)	(49,500)	(99,000)
RELATED AGENCY				
National Council on Disability.....	---	---	---	300

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(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
General Provisions				
Sec. 4601. Employee Benefits Security Administration (Transfer from Pension Benefit Guaranty Corp)	---	(7,000)	(7,000)	(7,000)
Sec. 4601. Pension Benefit Guaranty Corp (transfer)	---	(-7,000)	(-7,000)	(-7,000)
Sec. 4604. HHS Office of the Secretary (rescission)	---	---	-1,000	-1,000
Sec. 4607. CNCS: Operating expenses (transfer out)	---	---	(-1,360)	(-1,360)
Sec. 4607. CNCS: Salaries and expenses (by transfer)	---	---	(1,360)	(1,360)
Sec. xxxx. Special Education	---	---	1,000	---
Sec. xxxx. Student aid administration (rescission)	---	---	-2,000	---
Subtotal	---	---	-2,000	-1,000
Total, Chapter 4	---	---	-2,000	-700
CHAPTER 5				
LEGISLATIVE BRANCH				
House of Representatives				
Payment to widows and heirs of deceased Members of Congress	---	165	---	165
Capitol Guide Service and Special Services Office				
Sec. xxxx. Capitol Guide Service	---	---	3,500	---
(Rescission)	---	---	-3,500	---
Total, Chapter 5	---	165	---	165
CHAPTER 6				
DEPARTMENT OF STATE				
International Commissions				
International Boundary and Water Commission, United States and Mexico, construction	---	10,000	---	---
CHAPTER 7				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Office of Federal Housing Enterprise Oversight				
Salaries and expenses	---	7,568	4,800	6,150
Offseting collections	---	-7,568	-4,800	-6,150
GENERAL PROVISIONS				
THE JUDICIARY				
Sec. xxxx. Judicial COLA (CBO)	---	---	5,000	---
Total, Title IV	---	38,165	103,000	66,965
Appropriations	---	(65,733)	(189,300)	(104,565)
Rescissions	---	(-20,000)	(-81,500)	(-31,450)
Offseting collections	---	(-7,568)	(-4,800)	(-6,150)
by transfer	---	(63,800)	(65,160)	(114,660)
transfer out	---	(-63,800)	(-65,160)	(-114,660)
TITLE V - AGRICULTURAL ASSISTANCE				
Sec. 5101. Crop disaster assistance (emergency)	---	1,808,000	2,090,000	1,850,000
Sec. 5102a. Livestock compensation program (emergency)	---	1,480,000	1,507,000	1,380,000
Sec. 5102b. Livestock indemnity payments (emergency)	---	31,000	33,000	33,000
Sec. 5103. Emergency conservation program (emergency)	---	20,000	35,000	20,000
Sec. 5106. National Diary Market Loss Payment Program (emergency)	---	283,000	31,000	31,000
Sec. 5107. Dairy assistance (emergency)	---	---	95,000	20,000
Sec. 5109. Low-income migrant and seasonal farmworkers (emergency)	---	---	---	21,000
Sec. 5110. Conservation security program (emergency)	---	---	115,000	115,000
Sec. 5111. Farm Service Agency, salaries and expenses (emergency)	---	---	30,000	30,000
Sec. xxxx. Ewe Lamb replacement (emergency)	---	---	13,000	---

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	FY 2007 Request	House	Senate	Conference
Sec. xxxx. Flooded crop and grazing land (emergency)..	---	---	6,000	---
Sec. xxxx. Sugar beet and sugar cane disaster assistance (emergency).....	---	---	27,000	---
Sec. xxxx. Spinach (emergency).....	---	25,000	---	---
Sec. xxxx. Small business economic loss grant program (emergency).....	---	---	100,000	---
Sec. xxxx. Tree assistance program (emergency).....	---	---	40,000	---
Sec. xxxx. Emergency watershed protection program (emergency).....	---	---	50,000	---
Sec. xxxx. Peanut storage (emergency).....	---	74,000	---	---
Sec. xxxx. Aquaculture (emergency).....	---	5,000	---	---
Sec. xxxx. Insect infestations (emergency).....	---	---	20,000	---
Total, Title V.....	---	3,726,000	4,192,000	3,500,000
TITLE VI - ELIMINATION OF SCHIP SHORTFALL AND OTHER MATTERS				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Centers for Medicare and Medicaid Services				
State Childrens Health Insurance Program (emergency)..	---	735,000	448,000	646,000
Medicaid impact of SCHIP funding (emergency).....	---	-287,000	---	-250,000
Sec. 6002. HHS/CMS (Medicaid regulation offsets).....	---	---	---	-3,000
Total, Title VI.....	---	448,000	448,000	393,000
Appropriations.....	---	---	---	(-3,000)
Emergency Appropriations.....	---	(448,000)	(448,000)	(396,000)
TITLE VII - MINIMUM WAGE INCREASE AND SMALL BUSINESS TAX RELIEF				
Fair Minimum Wage and Tax Relief (emergency).....	---	---	35,000	---
Grand total.....	103,015,427	124,315,636	122,807,084	124,173,007
Appropriations.....	---	(86,733)	(195,300)	(101,565)
Emergency appropriations.....	(103,015,427)	(124,336,471)	(123,121,672)	(124,813,578)
Rescissions.....	---	(-20,000)	(-84,596)	(-31,450)
Rescission of emergency funding.....	---	(-80,000)	(-31,589)	(-21,594)
Rescission of contract authority.....	---	---	(-388,903)	(-682,942)
Offseting collections.....	---	(-7,568)	(-4,800)	(-6,150)
By transfer.....	---	(63,800)	(65,160)	(114,660)
By transfer (emergency).....	(500,293)	(225,293)	(268,293)	(259,793)
Transfer out.....	---	(-63,800)	(-65,160)	(-114,660)
Transfer out (emergency).....	(-500,293)	(-225,293)	(-268,293)	(-259,793)
Transfer authority (emergency).....	(7,000,000)	(3,500,000)	(3,500,000)	(3,500,000)

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(Amounts in thousands)

	FY 2007 Request	House	Senate	Conference
CONGRESSIONAL RECAP				
Scorekeeping adjustments:				
Department of Defense transfer to Economic Support Fund (Department of State):				
Defense function	-110,000	-100,000	---	-110,000
International Affairs function	110,000	100,000	---	110,000
Total Scorekeeping adjustments	---	---	---	---
Total (including adjustments)	103,015,427	124,315,636	122,807,084	124,173,007

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

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the Republican leader of the House.

Mr. BOEHNER. Mr. Speaker, what are we doing? What in the world are we doing? The President asked for funding for our troops in Afghanistan and Iraq to meet our commitments to bring freedom to those people and to protect the American people, and here we are with a bill that has some $25 billion worth of spending over and above what the President asked for. And if that is not bad enough, we handcuff our generals and we handcuff our troops and we go about this backhanded way of trying to end the war in a backhanded way because the votes are not there to do it in a straight-up fashion.

Mr. Speaker, we are sent here by the American people. We have grave responsibilities to them and to our allies around the world, and I understand that there are deeply held differences over what is going on in Iraq. But all of us understand what we heard today from General Petraeus. All of us understand what we have heard over the last few months coming out of Iraq.

The real battle in Iraq today is not with the Iraqis. The real battle in Iraq today is with al Qaeda that has made this the central front in their war with us. And let us remember, we did not start the war with al Qaeda; they did.

It is al Qaeda that has made Iraq the central front in their war with us, and if we are not willing to take on al Qaeda in Iraq today, when will we? When will we stand up to radical Islam that is spreading all over the world, endangering our allies and endangering our citizens? When will we stand up and fight? We did not do it like other world leaders for some 20 years because America, like the rest of the world, looked up, looked away, and just hoped the problem would go away. It is not just going to go away.

People who are raised to believe that killing Americans and our allies and killing freedom and hating freedom is the answer to get to Allah is not just going to go away. And so we can look up and we can walk out, we can walk out of Iraq, just like we did in Lebanon, just like we did in Vietnam, just like we did in Somalia, and we will leave chaos in our wake.

Now, if dealing with al Qaeda is not enough of a reason to finish the job that we have in Iraq, what about the issue of the Iranians? The Iranians are trying to spew their hate all over the Middle East and elsewhere. You see Iranians who are bringing new devices into Baghdad to kill Americans and our allies. It is Iranians who are bringing funds and doing training to stir up sectarian violence in Baghdad. Are we just going to look the other way again?

I say to my colleagues, and I have said this before, every generation of Americans has had their obligation. Every generation of Americans has had their obligation to stand up and to protect our country, not for just today but for tomorrow and for the next generation.

After looking away for 20 years during the 1980s and 1990s, what was America to do after 3,000 of our citizens died on 9/11? Just all hope it goes away, hope they do not care anymore?

I say to my colleagues that we have a solemn obligation to the American people to finish the job that we started. And while Iraq may not have started out as the central front in our war with al Qaeda, it may not have started out with a fight against the Iranians, all of us in this Chamber today know, all of us know that this is the central front in our war with al Qaeda, and this is the battleground with Iran. You all know it. You know it as well as I do.

And the question is, are we going to stand up and fulfill our obligation to the American people? Are we going to fulfill our obligation to the Iraqis who are struggling to create a government of the people, by the people and for the people?

I think they are on clear notice that they have got a job to do on their own, but if we step out today, we are ensuring that they will fail. We are ensuring that we will leave chaos in our wake. We will embolden our enemies, and it is our kids and their kids who will pay a very, very steep price.

This is not the right thing to do, in my opinion. I respect those who have opinions that are otherwise, but as I stand here as a Member of Congress, we need to think seriously about what we are doing, think seriously about the message that we are sending to our enemies around the world and ask ourselves, is this what our forefathers would have done? Is this the message that we want to send to the world? I would suggest to all of you it is not. We should vote ''no.''

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, thank you very much. I thank the gentleman for yielding and commend him for his exceptional leadership in bringing this important legislation to the floor. I also acknowledge the leadership of Mr. MURTHA and Mr. SKELTON for all that they are doing to make our country safer and to support our troops.

Mr. Speaker, the war in Iraq is the greatest ethical challenge facing our Nation. This is so because our troops are being sent into battle without the training, equipment. And the strategic plan for success because the administration is not honoring our commitment to our veterans and because the Iraqi war has strained our military, and therefore weakened our ability to fight the war on terrorism.

By placing an unacceptable strain on our military, this war is undermining our ability to protect the American people. Instead of making the American people safer, the war in Iraq has weakened our ability to protect our Nation from the threat posed by international terrorism, I repeat.

As Major General Petraeus said, right now we are not prepared. We are not prepared for the threat this Nation faces here at home. And, because in this business you cannot be half ready or half prepared, you are either ready or you are not.

We have put our citizens at greater risk. We have put their lives at greater risk, their property, our economy, our way of life, and that is just unacceptable.

Instead of strengthening our hand, the President's policies in Iraq have weakened our reputation in the world and diminished our ability to lead the international effort against terrorism, which again is the real threat.

With U.S. focus on Iraq, the war in Afghanistan has intensified because of the resurgence of the Taliban and al Qaeda in the absence of the fullest effort on our part there.

As Major General John Baptiste said, Here is the bottom line. Americans must come to grips with the fact that our military alone cannot establish a democracy. We cannot sustain the current operational tempo without seriously damaging the Army and the Marine Corps. Our troops have been asked to carry the burden of an ill-conceived mission. End of quote, Major General John Baptiste.

Our troops have done everything that they have been asked to do and excellently. We salute them for their courage, their patriotism, and the sacrifices they and their families are making. Instead of being honored as the heroes they are when they come home, our wounded veterans are being forced to cope with a system that is not equipped to care for them. Preparation was not made.

Americans have been shocked by the revelations of the appalling care at Walter Reed. As Senator Max Cleland, a great patriot, a decorated Army veteran, said, Walter Reed is the ugly face of the Iraq war. It is a face that the American people need to see because this administration from the beginning never planned to deal with casualties, never planned for the consequences of this war.

Last fall, the American people voted for a new direction in Iraq. They made it clear that our troops must be given all they need to do their jobs but that our troops must be brought home responsibly, safely and soon.

The President responded to this clear call for winding down the war in Iraq with a policy of escalation in Iraq that has been tried three times previously and failed and, additionally, has burdened our already strained military.

The problems addressed in this bill are problems of the President's own making. From the start of the war, the President has failed to recognize and to request in his budget the funds needed by our troops serving in Iraq, as has been indicated by the distinguished chairman of the Appropriations Committee, Mr. OBEY.

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This is the seventh emergency appropriations bill that Congress has had to pass to make up for the President's failure, seven emergencies. What is the surprise? Why aren't they understanding the cost of this war in lives and health, in reputation, in dollars, and the readiness of our military?

Furthermore, the President's budgets have failed to provide adequately for the medical needs of our troops wounded in Iraq and for other veterans. This bill supports our troops, honors our commitments to our veterans, rebuilds our military, and holds the Iraqi government accountable. It winds down the war by providing for the responsible redeployment of our combat forces based on benchmarks endorsed by the Iraqi government and by President Bush. They are his own benchmarks.

Oddly, though, even though they are the President's own benchmarks, holding the administration accountable to benchmarks has been criticized by the administration. They are criticizing their own benchmarks. Yet both Secretary of Defense Robert Gates and retired Major General Paul Eaton, formerly in charge of training of Iraqi security forces, have noted the value of timelines in persuading Iraqis to make the political compromises needed to end the violence.

Secretary Gates noted, we are all familiar with this, it bears repeating, ''The strong feelings expressed in Congress about the timetables probably has had a positive impact . . . in terms of communicating to the Iraqis that this is not an open-ended commitment.''

General Eaton said, ''This bill gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group.''

My colleagues, the war in Iraq has lasted longer than World War II and resulted in the lowest level of American military readiness since the Vietnam War. It has cost thousands of American lives, tens of thousands, scores of thousands of Iraqi lives, plus tens of thousands of our soldiers to suffer grievous injuries, and will cost well over $1 trillion if the war ended today.

The sacrifices borne by our troops and their families demand more than the blank check the President is asking for, for a war without end. The sacrifices demand a plan for bringing the war to an end. This bill contains that plan and provides the President for every dollar he asked for the troops, and, indeed, thank you, Mr. MURTHA, much more.

I urge my colleagues to support it. I urge the President to sign the bill so that we can focus on winning the war against terrorism, which is the real threat to the American people. That is our responsibility, and we fully intend to honor it.

Mr. LEWIS of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we know that this conference report before us will be vetoed by the President because of the Iraqi withdrawal language and the many unrelated and costly spending items that have absolutely nothing to do with the global war on terror or recovery efforts in the gulf coast.

It is no secret that many Members of the House and Senate, both Republicans and Democrats, have strong reservations about the manner in which this legislation undermines the authority of the President, our Commander in Chief. Members are also rightly concerned about how this legislation places military decisions in the hands of politicians rather than the military commanders in the field.

As I have said many times before, this legislation ought to focus on our troops. It ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. It ought to respect, not micromanage, our combatant commanders in whom we place the ultimate responsibility for prosecuting military actions.

My colleagues know that I have great respect for my friend, Mr. MURTHA, but I strongly disagree with his assertion that we ought to have 535 Members and Senators micromanaging the war in Iraq. With all due respect, that is not our job.

Let me again remind my colleagues, we are not generals, we are not the Secretary of State, and we most certainly are not the Commander in Chief. It is tragically ironic that the House is considering this conference report the same day that General David Petraeus met with Members in closed session on the current situation in Iraq.

It was on January 26 of this year, just 3 months ago, that the Senate voted 81–0 to confirm General Petraeus to be the top military commander in Iraq. One would have thought that Members and Senators would trust his judgment following such an extraordinary vote of confidence over 3 months ago. Senator REID, who supported the General's confirmation, now says, and I quote, ''I don't believe him.''

Recent history reminds us that the enemy we face in Iraq, in Afghanistan and other countries that harbor terrorists will stop at nothing to seek opportunities to attack the United States and our allies. Have we not learned anything from the original World Trade Center bombing in 1993, the Khobar Towers bombing, the attack on USS Cole or 9/11 itself?

Al Qaeda will view this legislation as the first sign of the United States backing down from its commitment to the war on terror. It will view the withdrawal provisions contained in this conference report as America signaling retreat and surrender. Indeed, al Qaeda will view this as a day that the House of Representatives threw in the towel, waved the white flag and signaled retreat and surrender in Iraq.

Our failure to learn the lessons of history, our failure to lead today, will result in devastating consequences, including an even greater loss of lives, and even more resources needed to fight tomorrow. Just as we have only one top General in Iraq, one Secretary of State and one Commander in Chief, we only have one Speaker of the House at a time.

Speaker PELOSI and I have been friends and have served as colleagues on the Appropriations Committee for many years. The Speaker played an important role in supporting the development of unmanned aerial vehicles, a critical and successful military capability that is a key element to the war on terror. She and I worked on that in the Intelligence Committee together years ago. It is puzzling to me that the Speaker would not only openly question the judgment of General Petraeus, Secretary Rice, and our Commander in Chief, but that she would also willingly work to undermine their efforts to secure a successful outcome in Iraq.

My colleagues, it is absolutely essential that America, the last remaining superpower on Earth, continue to be the voice for peace and freedom in our shrinking world. Our success is critical. Walking away will further signal to Syria, Iran, Afghanistan and others that the United States is no longer committed to a successful outcome in Iraq.

In closing, I ask Speaker PELOSI and my friends in the majority to weigh the implications of supporting this conference report. Even as I hold hope that the Speaker might have a road-to-Damascus conversion, I ask her to weigh the enormous consequences of putting our troops in peril. I strongly urge a ''no'' vote on this emergency supplemental.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the Chair of the Foreign Operations appropriations subcommittee.

Mrs. LOWEY. Mr. Speaker, I rise in support of the conference report on H.R. 1591 and commend Chairman OBEY for your efforts to protect our troops, respect the wishes of the American people, and preserve our Nation's interest in this bill.

Our troops have served with honor and courage. However, they should be deployed only when battle ready and with a clear and achievable mission. Neither is the case today in Iraq. Recent reports indicate the troop surge is not working. The number of casualties rose again in March, and this bloody trend continues.

We have heard from this administration that it is not willing to negotiate on Iraq. Frankly, their unwillingness to compromise has led us to this point, and the right of the American people to be heard is nonnegotiable. No amount of American blood or treasure can help Iraq if the Iraqis don't help themselves.

The Maliki government must exhibit the political will to confront extremists, to give all segments of society a stake in Iraq's future, and to put Iraqi revenues towards the hard task of reconstruction. That is why this bill asks the President to certify that the Iraqis are doing their part in meeting critical benchmarks.

In addition, I am pleased the conference report includes nearly $200 million in increased funding for Afghanistan, $80.3 million for Jordan, $45 million for Liberia, $769 million for Lebanon, much needed assistance for Sudan and Somalia, increased funding for disaster and refugee aid to Iraq, increased accountability through funding expanded mandates for the special Inspector General and the State and USAID IG operations.

While this bill provides most of the funding requested by the President, it puts in place safeguards and oversight to stop waste, fraud and abuse with U.S. taxpayer dollars in Iraq.

I urge my colleagues to support this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the ranking member on Homeland Security, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I rise, regrettably, today in opposition to the supplemental conference report before us, the first time I have risen in opposition to an appropriations conference report in more than 12 years. The Democratic side of the aisle and many of their liberal newspaper editors are intent on substituting their judgment for that of our professional, trained, experienced military leaders.

I am reminded of a quote that I want to read to you, it's very brief, that speaks to this subject. I will tell you the author in just a moment. ''It appears we have appointed our worst generals to command forces, and our most gifted and brilliant citizens to edit newspapers. In fact, I discovered by reading newspapers that these editor geniuses plainly saw all my strategic defects from the start, yet failed to inform me until it was too late. Accordingly, I am readily willing to yield my command to these obviously superior intellects, and I will, in turn, do my best for the cause by writing editorials after the fact.'' Signed, Robert E. Lee.

This Congress is made up of 535 lawyers, doctors and teachers, some with military experience, some without. It is not, however, made up of 535 military commanders who possess the ability to manage a war against al Qaeda. Yet that is what this conference report does. It enables over just half of 535 politicians to micromanage the war in Iraq against al Qaeda.

Sadly, though, this is not the only reason to vote against this conference report. It's also full of billions of dollars in spending categorized as an emergency which undermines the true needs of our troops and gulf coast hurricane recovery efforts. Specifically for Homeland Security, the supplemental contains two categories of emergency funding, hurricane recovery and the global war on terrorism.

Speaking to the hurricane recovery portion, this is a true 2007 emergency. FEMA needs these funds now to continue our commitment to the devastated gulf coast region and to ensure the disaster relief fund does not run dry in the middle of what experts are predicting will be an active hurricane season.

I can only hope that in an effort to keep the overall exorbitant spending of the bill down, the majority has not shortchanged the true needs of this account.

The global war on terrorism, part of this funding bill, is another story. While it contains many worthy and important items such as nuclear and explosive detection systems and additional aircraft for the northern border, things I have supported in the past and continue to support, they are in no way a 2007 emergency. In every instance, these items could and should be addressed in the regular 2008 appropriations bill. By including them in this 2007 emergency, the majority is simply trying to look strong on security and buy down requirements to free up funds in 2008 for additional spending.

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While I support homeland security spending, I support it in a fiscally responsible way.

Mr. Speaker, it is not often that I have two such compelling reasons to vote against a bill: taking away authority to manage our war against al Qaeda from the military commanders, and carelessly adding billions of dollars in non-emergency spending. These are the very reasons we will be back here addressing these matters again in a couple of weeks after the President vetoes the bill.

We should address these issues now, and stop the political gamesmanship that harms both our troops and the gulf coast recovery effort. This bill is nothing short of a cut-and-run in the fight against al Qaeda. I urge a ''no'' vote.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. Mr. Speaker, this bill is not cut and run. It's think and succeed. It's a good policy to try.

Mr. Speaker, tonight this House will adopt this reasonable conference report that fully funds our troops in Iraq and Afghanistan and that responds to the will of the American people, who are demanding, demanding, that our Nation change course. I urge all of our Members here, on both sides of the aisle, to support this bill.

After the Senate passes this conference report and it is sent to the White House, I urge and implore the President to sign this bill, even though he seems determined to veto this legislation, thereby defying the will of the American people, 70 percent of whom disapprove of his handling of the war in Iraq.

I know there is not a Member in this body who does not pray for our success in Iraq and for the safe return of our brave servicemen and women who serve us there. However, we cannot ignore the facts. After the loss of more than 3,300 American soldiers and nearly 25,000 injured, and after the expenditure of more than $400 billion, which will be after the end of this fiscal year some $600 billion, on a war now in its fifth year, even President Bush and Secretary of Defense Gates acknowledge that our efforts are not succeeding.

The Defense Department has concluded that the situation in Iraq is ''properly descriptive of a civil war.'' The Army Chief of Staff has issued warnings about the effect of the war on America's overall military readiness. And the Iraq Government has failed to meet political goals, such as reversing debaathification, drafting a plan for national reconciliation and disbanding militias, all of which are essential if we are to reach a political solution, as General Petraeus says is necessary.

In fact, last week, six ministers loyal to Muqtada al Sadr withdrew from the Iraqi Government, imperiling the chances of political resolution, which General Petraeus, as I said, says is imperative because, quoting again General Petraeus, ''There is no military solution to a problem like that in Iraq.'' General Petraeus: ''There is no military solution to a problem like that in Iraq.''

Meanwhile, the violence in Iraq continues. In just the last 2 weeks, a suicide attack inside the Iraqi Parliament killed eight, and spectacular car bombs, which occur almost daily, have killed hundreds.

Thus, Mr. Speaker, the question before the Members again today is this: Will we change direction in Iraq, or will we continue to stay the course with a failing policy? That is the question before this House tonight.

The answer, I think, is clear. After 4 years of rubber-stamping this administration's failed policy, not a service to the American people, this Congress must insist on accountability and a new direction. As the Speaker has said, more blank checks from this Congress would constitute an abdication of our responsibility and of our duty.

In short, this conference report protects our troops, requiring deployments to adhere to existing Defense Department standards. Mr. MURTHA has not adopted these standards, nor has Mr. OBEY, nor have any of us on this side of the aisle. These are Defense Department standards for training, acquiring equipment and armor, while allowing the President to waive those standards that are the Defense Department standards if, in his judgment, national security requires it. How much

more responsible a position can we take?

The conference report holds the Iraqi Government accountable. I think that reflects the sentiments of the American people, who believe that the Iraqis need to step up and take responsibility. What Secretary Gates said was if we do not have a consequence of not taking responsibility, they will not do it.

In fact, even if Mr. Maliki wants to do it, he will not be able to get the disparate factions in Iraq to do it, unless they feel a necessity to do it. We've seen that here in this Congress. That's democracy at work. So this is an assistance to the Iraqi Government to bring people together, because it says if you don't, there is a consequence. The American public supports that alternative.

And it includes a responsible strategy for a phased redeployment of U.S. forces and refocuses, refocuses our efforts on fighting al Qaeda and the Taliban in Afghanistan. There is nobody in this Congress who does not want to nor is not committed to confronting and defeating terrorism. No one should be misled by the false claims of those who argue that we must follow the same failing stay-the-course strategy. This bill does not constitute capitulation or micromanaging this war.

This may sound harsh, but had somebody told Custer that you are not supporting the troops unless you leave them here, they would have been wrong. As retired General Paul Eaton, who was in charge of training the Iraqi military in 2003 and 2004 recently stated, ''This bill gives General Petraeus great leverage for moving the Iraqi Government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister Maliki,'' as I have said, ''and the elected Government of Iraq.'' So concluded Paul Eaton, the general in charge of training Iraqis in 2003 and 2004.

Mr. Speaker, the American people want and deserve a Congress that holds the Iraqis accountable for making progress. The American people are paying a steep price; our children are paying a steep price for this war. They haven't been given the bill yet, but they will be. And our young men and women, and not so young men and women, are paying with their lives, with their limbs, and with their health.

The American people want and deserve, as I have said, a Congress that holds the Iraqis accountable, that holds the administration accountable for implementing a policy designed to succeed. This conference report gives us that opportunity.

I urge all of my colleagues, on every side of the aisle, from whatever party, support this conference report. I urge the President, when we pass this conference report, when the Senate passes it and we send it to the President, sign this conference report. It fully funds our troops, it does not micromanage the war, it tells the Iraqis we expect accountability; because if they take accountability, our troops will be safer, our country will be better off and Iraq will be on the path to democracy that we hope for her and pray for her.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the ranking member on Military Construction of Appropriations, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I served as a conferee on this bill Monday afternoon, and I was disappointed at what I saw. Everyone in the room knew then, as they know now, that President Bush will veto this legislation because it contains dangerous timelines for withdrawal in Iraq, undercutting our chances for success and making a political statement at a time when we should be working in a bipartisan manner to give our troops the resources they need to succeed.

Many of us heard General Petraeus this afternoon. I think most Members are highly impressed with his command of the situation and his candor. We ought to be willing to give him and his new strategy a chance. Instead, the bill before us tonight would guarantee failure.

This is a futile exercise and a waste of valuable time. It ensures further delay in getting the equipment, supplies and support to the troops. Because Congress has not provided this funding already, our military leaders must shuffle existing funds. Spending on new equipment will be postponed and repair work will be slowed on equipment needed elsewhere around the world, and the Pentagon will have to curtail training for National Guard and Reserve units. This will hamper their capabilities and their readiness.

The veto will come quickly, and, when it does, I hope the majority will not engage in further attempts to micromanage the war. Let's craft a responsible, focused supplemental package that funds the military and demonstrates to our soldiers that we support their efforts to complete the mission.

Contrary to what some in the Democratic leadership say, the war is not lost. Let's not legislate as if it is.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank our chairman for yielding.

Mr. Speaker, this is a good bill. We are legislators. The President has a job and we who represent the people have a job. It funds the war, a war that the other side started, and the speech that they are giving tonight is the same speech they gave 4 years ago.

It's time to change course. This bill funds veterans who have been wounded severely, children who need health care, and all the emergencies that this country needs to address and has not been taking care of the last decade.

Pass the bill.

Mr. President, sign the bill. It's the best bill. The Senate and House have agreed, and we don't care that the President has said, before we even passed it out of the first Chamber, that he would veto it. We have to pass this bill, bring our troops home, and have a plan for success.

This is a good conference report. Americans, speak out. If the President does veto the bill, there is something to be paid. The troops need our help and our support, and I thank Chairman OBEY and Chairman MURTHA for their leadership. Vote for the conference report.

''Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.'' Sen. Robert F. Kennedy.

This vote will affect us today, it will affect our children tomorrow, it will affect our grand children of the next generation. Unlike some of our colleagues, I refuse to legislate any bill, much less this bill, merely because the President has issued a veto threat. Our brand of government has lasted for more than 230 years because of the separation of powers. The President needs the money, and Congress controls the power of the purse.

We have the opportunity to change course, confront crises, and continue the legacy of not only the Democratic Party but of America with this vote today.

As of April 23, 2007, there have been 3,333 U.S. Military Deaths Confirmed by the Department of Defense. There have been at least 20,000 women and men who have been wounded, and untold numbers of women and men who have been affected by traumatic brain injuries that we are just discovering, and will suffer for decades from post traumatic stress disorder.

The Democrats have worked to compromise with the Administration. While I, like many of my colleagues, hoped that we would retain the House language with regard to the troop deployment provisions, I understand that honesty and compromise are the hallmarks of this august body.

Make no mistake about it; this vote is a vote to support our troops and will bring an end to the war in the near future. The military options for Iraq are exhausted; we need to pursue diplomatic solutions so that the Iraqis and other countries in the Middle East can be real shareholders in the fate of Iraq.

This supplemental enforces the President's own benchmarks that the Iraqis protect and end their civil war. This bill has the military's own standards for readiness and deployment. This bill provides more than the President requested for military procurement, construction, health care, and readiness.

I am proud that the Committee supported my request for increased funding for the Low Income Home Energy Assistance Program, to remove the matching funds for many of the grants and loans going to the rebuilding of states affected by Hurricane Katrina, in particular the city of New Orleans.

$450 million for Post Traumatic Stress Disorder (PTSD)/Counseling: African American male Vietnam and Iraq theater veterans have higher rates of PTSD than Whites. Rates of current PTSD are 28% among Hispanics, 21% among African Americans, and 14 percent

among Whites. African Americans have greater exposure to war stresses and had more predisposing factors than Whites, which appeared to account for their higher rate of PTSD.

$450 million for Traumatic Brain Injury care and research: Traumatic brain injury (TBI) is caused by a blow or jolt to the head or a penetrating head injury that disrupts the function of the brain.

$20 million to address the problems at Walter Reed: When the federal base-closing commission recommended shutting down Walter Reed Army Medical Center in Washington, it was noted through a number of reports that most of the patients and communities affected were African-American.

$100 million to allow the VA to contract with private mental healthcare providers to offer veterans, including Guard and reserve members, quality and timely care: African Americans are more likely to be victims of serious violent crime than are non-Hispanic whites.

Food Assistance (PL 480 Title II): Adds $450 million, which is $100 million above the President's request, to support food aid in Sudan/Eastern Chad, Southern Africa, and the Horn of Africa.

Agricultural Assistance: Adds $3.7 billion. According to the National Farmers Union, over 80 percent of U.S. counties were designated as disaster areas in 2005, and 60 percent were declared in 2006, making this assistance essential if farmers are to maintain their livelihoods in the coming year.

Low Income Home Energy Assistance Program (LIHEAP): The Supplemental adds $400 million to partially restore cuts to the program.

Pandemic Flu Preparedness: Adds $1 billion to purchase vaccines needed to protect us from a global pandemic.

State Children's Health Insurance Program (SCHIP): As amended in Committee, the proposal adds $750 million for SCHIP to ensure continued healthcare coverage for children in 14 states that face a budget shortfall in the program.

Foreign Aid: $40 million in security assistance is added for Liberia. This provision was added only because of the CBC.

After far too long, the bill will address the outstanding needs of our working women and men by increasing the minimum wage of Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the former chairman of the Defense Subcommittee and former chairman of the Appropriations Committee.

Mr. YOUNG of Florida. Mr. Speaker, first I want to make the point as strongly as I can that I want our troops out of Iraq and Afghanistan and anyplace else in the world where they are in harm's way as soon as we can possibly do it without risking the security of our own Nation and the security of our own people.

Mr. MURTHA and I have been partners in this business for many, many years, and he and I have both stood by the bedside of too many wounded troops and have attended too many funerals, and we want this over.

As a matter of fact, the legislation before us, the appropriations part of this defense bill is a good package. Mr. MURTHA and I met prior to him submitting this to the full Appropriations Committee and we agreed. Basically I told Mr. MURTHA that these are about the same numbers that I would have recommended if I were still the chairman. But we did agree to disagree on the issue of the restrictive language on the conduct of the battlefield.

My memory takes me back, as we discuss this legislation now, to October of 1983, where terrorists attacked the Marine barracks in Beirut. The Marines there on a peacekeeping mission and 241 of our troops were killed. In February of 1993, the World Trade Center was bombed, as Chairman LEWIS noted in his comments. Six lives were lost.

□ 2030

In June of 1996, Khobar Towers in Saudi Arabia, where our airmen were being housed, was bombed. Nineteen American lives were lost. August of 1998, our embassies in Kenya and Tanzania were bombed by terrorists again. Two hundred fifty-nine lives were lost. October of 2000, the USS *Cole* off the shore of Yemen was bombed by terrorists. Again, 17 American lives lost, and almost every crewman on the ship injured.

But all this time nothing happened except a lot of rhetoric. Well, we talked a lot. We were going to hunt them down. And you can run, but you can't hide.

But finally, after September 11, the people of America were so incensed by what they saw with the airplanes flying into the two World Trade Centers, the airplane flying into the ground in Pennsylvania, in or near Mr. MURTHA's district, and the airplane flying into the Pentagon right across the river, killing some 3,000 innocent people. The people of America were incensed. They demanded action. The President of the United States promised action, and the Congress provided action. And subsequently, our troops are in Afghanistan and are in Iraq. And it is essential that we provide whatever they need to carry out their mission and to protect themselves while they are carrying out the mission.

But now, what about leaving today or tomorrow or March or July, as some of these restrictions provide?

One of our great successes was Desert Storm. In Desert Storm, we attacked Saddam Hussein's armies successfully, and we annihilated, basically, his army. At least they ran away. They ran for cover. They surrendered. A lot of them lost the battle because the United States was aggressive and our coalition partners.

But here's where we made a mistake. Once we had Saddam's armies defeated, we left. We left before there was anything else there to provide a reasonable, logical government for the people of Iraq.

And what happened? Saddam responded in a vicious attack upon his own Iraqi citizens to continue the genocide that he began in earlier years. After we left from Desert Storm, he killed thousands of Shia Iraqis.

What General Petraeus and our American troops are trying to do is to give the Iraqi government that has been elected by the people, Constitution approved by the people, a parliament elected under the new Constitution by the people; General Petraeus said that the Iraqi security forces were growing in number, were growing in capability. Even the Sunnis are starting to join up with these security forces in Iraq to show a Sunni-Shia coming together. Not much, but a little bit.

But to let this government exist so that we didn't have another situation where we left, we didn't leave anybody in charge, and the bad guys took over again.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, you know, it's hard for me to even sit here and hear the other side talk about this, because they are missing the point. This is about our soldiers. If you care about our soldiers, you say you care about our soldiers, you will vote for this supplemental.

This supplemental has over $4 billion more than what the President asked for in everything. I'll tell you what this supplemental is about. It's about those soldiers that I visited in Landstuhl, Germany. On three different occasions, every time we went over to Iraq and over to Afghanistan we'd make a stop to come back.

You want to know what this supplemental is about? It's about those sons and daughters, 19 and 20 years old, who will never walk again with their legs because they have been cut off.

You talk about the President wants to veto this. Let's send it to him. Let him veto it. If he vetoes this bill that's got the money in it for the body armor that he sent troops into battlefield without, let him veto this. If he vetoes this bill, it will be like sending a dagger right in the heart of our soldiers.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to Mr. KINGSTON of Georgia, a member of the committee.

Mr. KINGSTON. Mr. Speaker, Winston Churchill said, ''The United States of America always does the right thing after it has exhausted all the other alternatives.''

And what we are doing here tonight, through the Democrat Party, is exhausting all the other alternatives.

This bill is wrong for a number of reasons. First of all, the Democrat leadership promised to cut out the pork and nondefense spending and give us a clean bill. But this bill contains minimum wage legislation, children's health care appropriations, $31 million for milk subsidies, $460 million for food aid, much of that not even going to the

Middle East, $40 million for grain storage, $37 million for new computers for the FSA in Kansas City, $4 million for the Office of Women's Health, and $15 million for livestock subsidies.

What does this have to do with Iraq? Not a thing.

And yet some of this stuff may have a lot of merit and get bipartisan support. But why not bring it up on the proper pieces of legislation, not on a military aid bill?

It's interesting, one of the Democrat Senators actually justified the nonmilitary spending saying, ''But the Republicans did it.'' And I agree with her. She's right. We did it. And that's why we are in the minority. The American people are tired of these kind of shenanigans.

Let's pull these items out and have a debate on their own merits, not on the backs of soldiers in Iraq.

Let's talk about Iraq. The Constitution, article I, section 2, says, and I quote, ''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 the actual service of the United States.''

In other words, the President, as Commander in Chief, runs wars, not 535 arm chair generals on Capitol Hill.

But this legislation, or surrender document, usurps the President's constitutional prerogative. For this reason alone we should reject it.

And finally, let's talk about the gist of this surrender. Putting a timeline on a war is great if the enemy agrees with it. But for some reason, they never do. Never in the history of war has a country won by announcing their surrender date to the world. It's odd, it's reckless, and it won't work.

We should not micromanage this war. We should do as Winston Churchill said and do the right thing.

And I urge a ''no'' vote.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Pennsylvania, Mr. MURPHY.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today with a heavy heart. This week, nine of my fellow paratroopers from the 82nd Airborne Division were killed in Iraq. Nine more heroes killed, nine more paratroopers returning home in coffins draped in the American flag.

Mr. Speaker, Daniel Webster's words that are etched in the marble above implore each of us in this room, and I quote, ''To see whether we also, in our day and generation, may not perform something worthy to be remembered.''

Mr. Speaker, I know the task is daunting, but let this Congress be remembered for leading our country in a new direction in Iraq.

Mr. Speaker, I was deployed to Iraq in 2003 and 2004. Nineteen of my fellow paratroopers I served with never made it home from the streets of Baghdad. I carry their names with me every single day to remind myself of the solemn responsibility we face each time the Speaker bangs down her gavel.

Nineteen men, including Specialist Chad Keith from Indiana. Nineteen guys who never made it home to their families. Specialist James Lambert III, from North Carolina. Nineteen all Americans who paid the ultimate sacrifice. Private Kyle Gilbert from Vermont. Nineteen men who are missed. Private First Class Marc Seidan from New Jersey. Nineteen men. Now we have nine more paratroopers to add to this list.

Mr. Speaker, how many more suicide bombs must kill American soldiers before this President offers a time line for our troops to come home?

How many more military leaders must declare the war will not be won militarily before this President demands that the Iraqis stand up and fight for their country?

How many more terrorists will President Bush's foreign policy breed before he focuses on developing a new strategy, a real strategy for fighting and beating al Qaeda?

Mr. Speaker, this bill says enough is enough. No more shortchanging our troops. No more open ended commitment in Iraq. No more refereeing a religious civil war.

Mr. Speaker, on the fourth anniversary of the war, I led this body in a moment of silence. Now my fellow Democrats offer a time line to bring our troops home.

Mr. Speaker, I ask my colleagues on the other side of the aisle who are about to vote ''no'' on this bill, will you stand with us next year to offer a time line on the war's fifth anniversary?

How about a time line on the sixth? How about a time line on the 10th? Because that's what voting ''no'' does. It says no to the tough questions. No to accountability and no to providing our troops on the ground with a clear mission.

Mr. Speaker, I may be hopeful, but I am not naive. I hear Vice President CHENEY taunt patriotic Americans who are concerned with the direction of our country. I see the President using his veto to hold our troops hostage to further his failed strategy in Iraq. I read the Bush Republicans' attacks questioning my patriotism and support for my fellow soldiers. But, Mr. Speaker, we have all heard these attacks before.

The American people know that President Bush and his allies are sadly out of touch. The American people know that supporting the troops means demanding accountability. The American people know we need a change.

Mr. Speaker, one of my fellow soldiers lost his brother in the World Trade Center on September 11 of 2001. This soldier is now in Iraq serving on his second deployment. And last week he sent me a message, unsolicited. It said, and I quote, ''Never did I think I would disagree with our foreign policy 5 years after my brother was murdered. Our latest mission here is to secure the Iraqi people. I signed up to secure the American people.''

My fellow colleagues, this bill, this vote helps us secure the American people. For too long the American people have been craving leadership, craving accountability, and craving a new direction in Iraq. Let's give this to them today.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the ranking member on the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, when the new majority came into power, they talked about being fiscally conservative. They talked about bringing fiscal responsibility back to the people's House. Well, that's not what we see here today, and that's not what we have seen for the last 4 months.

Last session, Mr. Speaker, we brought a bill that said if we are going to do emergency spending bills, let's clean these up. Let's not put pork barrel, unnecessary spending in emergency spending. We actually defined what an emergency is.

□ 2045

And then we set aside a reserve fund, $6.4 billion, to say we are setting this aside for emergency spending, and if we go over this amount, we have to scrutinize every dollar to make sure that it is truly an emergency.

What did the new majority do? To their credit, they carried these rules over into this session of Congress. Thankfully, they said, you know what? Let's not pork up emergency spending bills. Let's make sure that if it's really an emergency, it will get funded as an emergency. If it's not, it won't.

What happened the first time the pressure hit? They waived the rules. They waived the rules completely. And now the new budget resolution the majority is proposing gets rid of these proposals altogether. No more checks on emergency spending. All it takes is to waive the rules, stamp it as an emergency, and we can spend as much as we want. It's outside the budget caps. It gets added onto the deficit. And that's what is happening right here tonight.

In fact, Mr. Speaker, this bill right here violates the majority's own PAYGO rules by $5.8 billion. That's right. They are violating their own PAYGO that they put into place just a few months ago by $5.8 billion. They are adding $21 billion of nonemergency spending that were unrequested, that have nothing to do with the war on terror. And they have added $11 billion of congressional add-ons that have nothing to do with the war on terror, that were not requested.

The majority came out with their first spending bill, adding $6 billion on top of the deficit. Now they are adding $21 billion on top of the deficit with this unrequested, nonemergency spending. And in their budget resolution they are bringing to the floor, another $25 billion next year.

Fiscal responsibility is the last thing you could say to describe this bill. I urge rejection of this motion.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would simply say in response to the previous speaker, last session your party couldn't even pass a budget. Last session your party couldn't complete action on a single domestic appropriation bill.

You may not like the decisions we have made, but at least we have made them. And we have had to spend the first 30 days of this session finishing the work that you could never manage to get around to. So I suggest you look to your own house before you start criticizing somebody who has at least gotten the work done that you couldn't get done last year.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from California for yielding.

It has been so interesting to listen to the debate this evening. I am reminded of my school teacher grandmother and an admonition that she would regularly give us to us, which was ''Your actions speak louder than your words.'' And she would remind us of this time and time and time again.

And, Mr. Speaker, I can tell you, quite frankly, I think that what we are seeing is the actions of a majority who are doing their best to ensure, to ensure, that our men and women in uniform do not have the funding that they need.

I represent a lot of these military men and women, and I have heard from them. I am hearing from a lot of the military men and women and their families, and they feel like the modified withdrawal dates in this legislative disaster are nothing more than a vote of no confidence for our troops. They feel that this legislation will embolden our enemies and send a message to the rest of the world that they believe that they are more qualified to prosecute a war than the men and women we are sending to the frontlines. That is something, Mr. Speaker, that they do disagree with.

Our military leadership deserves the opportunity to fight this war with the funding and the support that they need to accomplish their goals. They deserve the ability and the opportunity to win. Yet the leadership in this House continues to try their best to micromanage the war and our troops without the funding that they need.

Despite what the majority leader in the other body and his supporters in the House believe, this war is not lost. Yet this dead-on-arrival supplemental bill will only exacerbate the problem and put our troops in harm's way.

I think that we should show our respect for the men and women in uniform by respecting the job they do. We should do our job: Send the funding to the troops.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to our Republican whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding as this debate comes to an end.

The legislation we have debated here tonight was at one point supposed to be an emergency supplemental spending bill for our troops, dispatched to them with urgency, resolution, and purpose. It was supposed to provide money and resources for our fighting men and women on the frontlines so that they had the tools and equipment they needed to finish the task at hand.

Instead the majority turned this important funding package into an exercise in political theater, along the way, disregarding the testimony of our military commanders, the wishes of many in their own caucus, and basic and numerous dictates of our Constitution and our history.

The result has been a final conference report, though we know it really won't be a final conference report. It has been a conference report that imposes artificial deadlines, ties the hands of our commanders in the field, and demotes those tasked with managing an active military engagement to the rank of administrative assistant, forced to check new boxes before exercising the authority they have today to execute their mission.

And it would spend billions of dollars on things that should have been debated at another time. Some of those things have merit. Some of those things I agree with. Some of them I don't. But they shouldn't have been debated as part of this bill.

Those who attended today's briefing with General Petraeus benefited from a clear and sober assessment of our chances for achieving success in Iraq and the consequences we can expect by declaring defeat. But not a single person in that room today, with knowledge of our progress on the ground, believes this war was lost or that our presence there was without merit. Unfortunately, too many in this Chamber seem convinced of the inevitability of defeat.

However this vote turns out, I am hopeful that tonight's roll call will end this effort to undercut our mission by undermining the authority of our commanders in the field. Republicans are willing, and have been willing, to work with the majority on this bill. But we will not waver on our insistence that an emergency troop support bill passed by Congress actually be focused on supporting the troops. The legislation before us tonight fails to meet that most basic standard.

I urge a ''no'' vote on this bill and ask my colleagues to join me tonight in standing up for the interests of our men and women in harm's way. And hopefully, very soon, we can join together in crafting a bill that will be considered quickly, as this one should have been, passed quickly, with help to the frontlines as soon as possible.

It's time for the political theater to end and the real work to begin.

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

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

I simply want to take this time to thank the staff on both sides of the aisle. They worked overtime for many days and many nights, and I appreciate it very much, especially the committee staff director, Rob Nabors.

I would also simply say that we have heard twice now from the minority that this bill endorses failure. Not at all. What we have seen the last 4 years is a failure of intelligence. We have seen a failure of the administration to listen to career military. We have seen a failure to plan for the occupation of Iraq. We have seen a failure on the part of the administration to give the Congress accurate information. We have seen a failure to focus on al Qaeda and Afghanistan rather than being diverted to Iraq. We have seen a failure to understand the nature of the civil war in Iraq. And as a result, we have seen a tremendous collapse of American influence in the world. It is tragic.

I urge an ''aye'' vote for the resolution.

Mr. Speaker, I yield the balance of my time to Mr. MURTHA.

Mr. MURTHA. Mr. Speaker, apparently a number of people have not read this bill. I know my friend BILL YOUNG has read it.

We have $1.5 billion to cover the full cost of housing allowances for the troops. If you vote against this, you are voting against housing allowances. We have a total of $2.3 billion in this bill to cover the full cost of fielding an additional 36,000 Army troops and 9,000 Marines. If you've read this bill, you'll realize we added $2 billion to address the training and equipment shortfalls in the forces not deployed. One billion dollars is dedicated to purchase Army National Guard equipment. If you vote against it, you're voting against $1 billion for the National Guard. You're voting against an additional $750 million for Afghanistan. You're voting against $2.4 billion with a joint IED task force. In procurement you're voting against the very thing that the military wants most, and that is the new vehicle with the V shape which is resistant to IEDs.

Now, let me talk a little bit about IEDs. In the last 4 months, we have lost more troops than any other period during this war. And I am sorry to hear from a friend of mine's wife who called me and said there was a joke on one of the shows last night by a Republican Presidential candidate who said that he brought an IED back and he put it under this guy's desk. That individual owes an apology to every troop that serves in Iraq.

When we go to the hospital, all of us, we see burn victims. We see victims that are wounded badly. And many of us don't get an opportunity to see the families.

I went to Fort Hood, Fort Bragg, and Fort Stewart. These folks are burned out. The truancy rate is up in the schools. The achievement is down in the schools where our troops' children go. One soldier said to me, a first sergeant, a woman, she says, I hate to tell my children I'm going back to Iraq.

They're going back the third and fourth time.

□ 2100

A general said to me, ''I can only take 9 months.'' And we're sending them back to 18; I hear rumors that they are going to extend them to 18 months.

We have an accountability bill, this is called the ''Iraq accountability bill.'' This war has been so mismanaged that we have the responsibility to force the White House to be accountable. The policy is not set by the military, the policy is set by the White House, and we have to hold the White House accountable for the mistakes that they have made.

We will have appropriated $1.2 trillion for the Defense Department in 1 year. We are spending nearly $10 billion a month in Afghanistan and Iraq. We have 126,000 contractors. And it took us 2 months, the committee that funds every cent that is spent in Iraq and Afghanistan had to spend 2 months to find out there were 126,000 contractors. And we told this to the Secretary of Defense. When one of the Members of Congress said, and one of them is making $300,000 a year, one of the contractors, he said, ''That's more than I make.'' Imagine, we've got a contractor making more than the Secretary of Defense makes. We have a contractor that I saw, when I talked to the Cavalry Division that was in Iraq, here is a guy pumping gas, this is what a soldier told me, he gets $25,000 a year, and right beside him was a guy pumping gas for $80,000 a year. This is what I call accountability.

We have to hold the White House responsible for accountability. Why do they have 126,000 contractors? Because we don't have enough troops. Why are they extending the troops to 18 months, possibly?

And finally, they realized they couldn't send them back before they had a year at home. They had to be trained and they had to be equipped. That is what we say in this bill, we say you've got to be trained and equipped.

I had General Pace come up after the last hearing. I said, General, you've got to tell me you're not sending any troops back there untrained and ill-equipped. And I don't know that this conversation made the difference, but a short time later they announced they are going to extend people, and they are not going to send anybody back unless they had a year at home. It is absolutely essential.

I talked to some of the wives at Fort Bragg. I got one story from the hospitals about how the service was there, they were able to get service anytime they wanted, within a week they were able to get service. Then I talked to the wives, the officers' wives, I said, after talking to them for a while, how many of you got service in a week? No hands went up. How many did it take over a month? Half the hands went up. We've got to take care of the people at home.

Let me tell you something, I get fatigued in going to the hospitals. The caregivers that care for them every day, think what they go through. A nurse called me and said you've got to put some money in the bill, and we did, to take care of caregivers to give them some relief. These caregivers see it every day. So we put $6 million in for Landstuhl program. We put $1 million in for Walter Reed, for Brooke's and for Bethesda. They are burned out. The troops are burned out. What we are trying to do in this bill is hold the White House accountable for the policy mistakes that they made.

We went into Iraq without weapons of mass destruction. I believed it. When I went there the first time, I saw a line drawn around Baghdad. They told me they were going to use biological weapons. I believed that. It took me 6 or 7 months to realize we had made a mistake. We went to Afghanistan, it was the right place to go.

I am inspired by these troops, I am inspired by their families; but they are burned out and they are bearing as much as they can bear. When we sit here, and one of the previous speakers said ''we.'' I hear this all the time, ''we're fighting,'' ''we're fighting terrorists.'' We are not fighting terrorism, we are sitting here in an air conditioned place while they are out there in dust.

And let me tell you about the policy in this latest deployment. I worried. I didn't say anything in public, but I worried. When you send 37 different elements out by themselves among the Iraqis, when you've got interpreters who you don't trust, you are going to expect the kind of disasters you just saw. That's the thing that worries me when you don't have enough troops. And one general said to me, he said, ''If you're there more than 9 months, you start making mistakes.'' Imagine what he's saying? He said, ''I question myself after 9 months.'' A psychologist told us, who came before the committee, he said 3 months in heavy combat, 3 months of going out every day and having IEDs, imagine a Presidential candidate making jokes about IEDs when these kids are blown apart? It's outrageous.

Let me tell you something, we owe a great deal of gratitude to these families and these young people who are doing the fighting. It's not ''we'' doing the fighting, it's ''them'' doing the fighting. They deserve accountability from the Congress of the United States, and we are going to demand that from this accountability bill.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this Defense Supplemental conference report.

Earlier, when the House considered the Defense Supplemental bill itself, I voted for it to ensure that America's soldiers get the equipment and resources they need and the top-quality health care they may require when they come home.

And I think the conference report is an improvement on that House bill.

As I said when the House debated the initial bill and again during debate on the motion to instruct conferees, I did not believe it was a good idea for the bill to include a date certain for withdrawing U.S. combat troops from Iraq. So I'm glad that language has been made more flexible in the conference report. It includes a goal of March 2008 for completing the redeployment of U.S. combat troops, and allows sufficient troops to remain to protect U.S. military and civilians in Iraq, conduct counterterrorism operations, and train Iraqi Security Forces. I remain convinced that we should steer clear of arbitrary public deadlines for military actions and focus instead on realistic diplomatic and political goals. Our military needs flexibility to be able to link movements of U.S. troops to the realities of the situation on the ground, and successful diplomacy requires such flexibility as well.

My vote for the conference report is not a vote to support the Bush administration's policy in Iraq. We are 4 years into a war the Bush administration assured us would be short and decisive. The administration's misjudgments, lack of planning and poor leadership have made a bad situation worse—and the tactic of increasing troops for a temporary ''surge'' is no substitute for what is needed, namely, a strategy for containing civil war and a wider regional war.

But whatever may be said about the wisdom of invading Iraq 4 years ago—and I am one who believed it was a mistake to do so—the fact is that we are still deeply engaged in Iraq. So long as our troops are in the field, we must provide them what they need. Beyond supplying our soldiers, however, we must extricate them from what objective defense experts have characterized as an emerging civil war.

Disengaging from that civil war is the purpose of the provisions in the conference report designed to hold the president accountable to the benchmarks set by his own administration and the Iraqi Government—including enactment of a hydro-carbon law; conducting of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

I strongly support that approach because I am convinced that holding the president and the Iraqi Government accountable for achieving these benchmarks will provide us with the leverage necessary to pressure the Iraqi Government to forge the political solution we all know is required. In fact, Defense Secretary Gates has acknowledged that this provision in the House-passed bill has been helpful by showing the Iraqis that American patience is limited.

This conference report is an important step toward what I think must be our goal—a responsible end to the war in Iraq, based on a strategy of phased withdrawal of troops, accelerated diplomacy and redeployment that is based on Iraqi stability and not arbitrary deadlines.

The conference report fully funds our troops, providing $4 billion more for the troops than

the president requested. It honors our veterans, providing $1.8 billion more for our veterans' unmet health care needs, including additional funds for treatment of Post Traumatic Stress Disorder and Traumatic Brain Injury care and research. It strengthens our military, providing $2 billion more to create a Strategic Readiness Reserve and address the serious readiness crisis our military is facing.

It also protects our troops by limiting deployment schedules and setting minimum readiness standards—based on current Defense Department standards—for U.S. troops deploying to the region. The president could waive these requirements but only by certifying in writing to Congress that waiving them would be in the interest of national security.

The conference report also provides $52.5 billion for military operations in Iraq and Afghanistan and provides $9.7 billion for the Afghan and Iraqi Security Forces to help them assume greater responsibility for their nations' security.

And the conference report includes $3.1 billion to fully fund the Pentagon's FY07 request for the 2005 Base Realignment and Closure Commission's recommendations, which is vitally important for Ft. Carson as it prepares to expand and for other military installations in Colorado.

On the non-military side, the conference report includes critically important funding for farmers and ranchers in southeastern Colorado who were recently hit hard by winter storms. Thousands of cattle were killed in storms worse than the October 1997 storm that killed approximately 30,000 cattle and cost farmers and ranchers an estimated $28 million. The struggles that family agriculture producers and small counties face are significant and are having a negative impact on the livelihood of hundreds of farmers and ranchers and their communities. So I am pleased that the Colorado delegation was successful in persuading the conferees to include financial assistance for farmers and ranchers, including for those affected by Colorado's recent blizzards.

Mr. Speaker, many of us who voted against authorizing the President to rush to war in Iraq were worried that while it would be easy to eliminate the Saddam Hussein regime, the aftermath would be neither easy nor quick. Sadly, our fears have proven to be justified. And now, as the Pentagon has finally admitted in its most recent quarterly report, the situation in Iraq is ''properly descriptive of a civil war.''

Insisting on keeping our troops in the middle of that kind of internecine war is not a recipe for victory; it is only a prescription for quagmire. And as a new Foreign Relations Council report notes, we bear responsibility for developments within Iraq, but are increasingly without the ability to shape those developments in a positive direction.

We need to be scaling back our military mission in Iraq. We need to make the U.S. military footprint lighter—not in order to hasten defeat or failure in Iraq, but to salvage a critical measure of security and stability in a region of the world that we can ill afford to abandon.

But as we do so, we must work to avoid a collapse in the region—not only because we have a moral obligation to the people of Iraq, but also because our national security has been so badly compromised by the Bush administration's failures there. The President's decision to take the nation to war has made our country less safe. We need to change course and chart a path that enhances our national security and sets the right priorities for the war on terrorism and struggle against extremists.

This conference report begins to chart this path, and I will support it. I hope the president will reconsider his stated intention of vetoing it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in opposition to the conference report to accompany H.R. 1591.

As I have said on previous occasions, Congress has every right to limit the use of appropriated funds. In this instance, I disagree with the manner in which my Democratic colleagues have chosen to do so.

The Iraqi government needs to understand our patience is not unlimited. Indeed, establishing benchmarks could well have a useful purpose in the effort to have the Iraqis take more decisive steps towards autonomy. Making these benchmarks public and tying them to a specific date by which we must begin to withdraw our troops, however, is a mistake. It sends the wrong message to our troops, and it gives the enemy invaluable information.

Along with many of my colleagues, I want our troops to leave Iraq as quickly as possible. Setting a public date by which this must happen, however, will ultimately create more problems than it solves.

Mr. ORTIZ. Mr. Speaker, the way to support the troops is to give them what they need on the battlefield, and what they need when they return home from their service to reset—or rest and fix the force for future missions.

This government must be accountable to our troops and their families, the only people actually carrying the burden for these wars today . . . along with our children, for whom we are leaving the cost.

Today's bill provides much needed money for troops in Iraq and Afghanistan . . . policy that requires accountability from the Administration . . . and funding to heal the readiness of our troops.

It is not the best bill we could get, but you never have a perfect bill.

But the predicament we are in now demands we support this bill.

We have so many emergencies on our doorstep now . . . mostly because the last Congress refused to see the negative impact operations in Iraq had on our military readiness, leaving us vulnerable as a nation . . . and leaving important national business undone.

Support for the troops is entirely about giving them what they need to fight the battles we've committed them to fight . . . and this legislation does just, with one eye on the future . . . something previous Congresses failed to do.

I wish the Congress would have put more energy into readiness oversight over the past 5 years to prevent the current situation . . . but all we can do today is go forward.

I ask my colleagues to join me in supporting our troops—and this funding for them.

Today's bill addresses many of these readiness concerns, with additions above the President's request to support our troops, including:

$2 billion more to address the current readiness crisis of our stateside troops, including ensuring that they are better equipped and trained;

$1.1 billion more for military housing allowances;

$3 billion for Mine Resistant Ambush Protected (MRAP) vehicles for troops in Iraq ($1.2 billion above the President's request);

$1.6 billion for body armor;

$9.7 billion to train and equip Afghan and Iraqi security forces.

It also fully funds the BRAC accounts so communities like the Coastal Bend of Texas—and others adversely affected by base closure decisions—can plan appropriately for that eventuality.

So many Americans are coming home alive—yet traumatized in their minds or bodies—to an extent we have never seen before. The scandalous treatment of heroes at Walter Reed—and the fact that it took a newspaper story to change it—is testament to the gigantic challenges facing military and veterans' health care.

The Supplemental includes funding for new initiatives to enhance medical services for active duty forces and mobilized personnel, and their family members (appropriating $2.1 billion more than the President requested.) These initiatives include:

$900 million for Traumatic Brain Injury care and research and PTSD treatment and research;

$20 million for facility improvement at Walter Reed.

The bill includes $1.8 billion over the President's request to address the health care needs of veterans returning from Iraq and Afghanistan and the backlog in maintaining VA health care facilities, including:

$30 million for at least one new Level I polytrauma center;

$9.4 million in operations costs for new polytrauma residential transitional rehab programs;

$10 million for additional transition caseworkers;

$10 million for blind rehab programs;

$100 million for enhancements to mental health services;

$20 million for substance abuse treatment;

$8 million for polytrauma clinic support teams;

$25 million for prosthetics;

$228.9 million in additional funds to treat veterans from both wars.

This bill is an excellent starting point for this new Congress to begin the long overdue oversight of the defense department. We are far ahead of the past Congresses in giving our troops the true support they need—with appropriate funding and acknowledgment of the strain and burden of Iraq.

While the ideal situation for Congress is for the authorizing committee to determine policy, that's coming very soon. I am grateful to Chairman MURTHA for the extraordinary lengths we've gone to in this bill to protect our soldiers by certifying their readiness, protecting the military readiness of the United States.

While this bill is not perfect, it is an extraordinary first step.

As the Readiness Subcommittee Chair, let me offer the House some perspective on the current state of our readiness:

In the National Intelligence Estimate declassified on Feb. 2, the U.S. intelligence services note that—absent a remarkable reversal of fortunes in Iraq—they find that ''the overall security situation will continue to deteriorate at rates comparable to the latter part of 2006.'' Further, the NIE determines: ''even if the violence is diminished . . . Iraqi leaders will be

hard pressed to achieve sustained political reconciliation in the time frame of this estimate''—which is 12–18 months.

The NIE goes on to say that if the U.S. were to leave Iraq, a greater, wider civil war would erupt, saying: ''the ISF [Iraqi Security Forces] would be unlikely to survive as a nonsectarian national institution, and neighboring countries might intervene openly in the conflict.''

Now, common sense tells me that will be the case whenever we leave . . . today, manana, this summer, next year . . . or 50 years from now. Whenever we leave Iraq, the unclassified intelligence estimate guides us on what we can expect. Our choice is in how long we remain . . . and how many more brave and patriotic volunteers—who carry the battle for this Nation—are lost in Iraq.

Today we have a chance to begin that change—in the purest way we can support the troops . . . men and women, and their families, who are alone in carrying the burden for the Iraq war.

The readiness of our next deployers—our ability to be prepared for current and future threats—is diminished due to the war in Iraq. We've worn out our force and their equipment, and that has huge implications for our ability to handle the threats to come.

The GAO has looked at this . . . and come away saying the Army itself ''cannot determine the extent to which the existing inventory reflects what the Army needs'' . . . and GAO notes that: ''until these strategic and management challenges are addressed, the Army will face uncertain risks should new conflicts occur.''

GAO also reports that all services ''have drawn heavily from their prepositioned stocks to support [the ongoing wars]'' . . . and ''these sustained military operations are taking a toll on the condition and readiness of military equipment and the Army and Marine Corps face a number of long-term challenges that will affect the timing and cost of equipment repair and replacement.''

GAO concludes: ''the Army's decisions today have profound future implications for the entire department and potentially affect our ability to respond to a conflict.''

Last year, Congress established a Commission on the National Guard and Reserves, which has also reported back to us. They tell us point blank: ''DoD's failure to appropriately consider National Guard needs and funding requirements has produced a National Guard that is not fully ready to meet current and emerging missions.''

The Commission says more pointedly: ''The lack of sufficient and ready equipment is a problem common to active and reserve components.

In particular, the equipment readiness of the Army National Guard is unacceptable and has reduced the capability of the U.S. to respond to current and additional major contingencies, foreign and domestic.''

Army Chief of Staff Schoomaker told the Commission: despite the readiness of troops overseas, ''88 percent of the forces that are back here in the U.S. are very poorly equipped today in the Army National Guard.''

The Commission also noted that state governors ''have become increasingly concerned about whether their National Guard forces would be available to respond to emergencies here at home.''

Mr. STARK. Mr. Speaker, I must again make the difficult decision to vote ''present'' on the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act.

I support the immediate withdrawal of American troops from Iraq.

I can't in good conscience vote to fund President Bush's War in Iraq. This senseless conflict has already taken the lives of more than 3300 American and tens of thousands of Iraqis. It has undermined the United States' prestige in the world, led to the outbreak of a Shiite-Sunni civil war, and cost us $379 billion. Those funds—and the tens of billions of dollars for the war in today's legislation—would be better spent on education, healthcare and other unmet domestic priorities.

Nor can I can vote, however, against a Democratic majority intent on taking America's Iraq policy in a new direction. I applaud Speaker PELOSI and the Democratic leadership for working toward the withdrawal of American troops from Iraq. My Republican colleagues voting against today's legislation are doing a disservice to both our troops and our security by supporting an open-ended commitment in Iraq. I cannot join their opposition to holding President Bush accountable.

My ''present'' vote is therefore an expression of strong opposition to the war's continuation for even one more day and strong support for the Democratic Congress' attempt to get an arrogant and stubborn President to change course in Iraq.

I urge the President to reconsider both his threat to veto this bill and his insistence on keeping our troops in harm's way. It is long past time for Bush to end a war he should never have begun.

Ms. WOOLSEY. Mr. Speaker, it is with great sadness that I rise today to oppose this Conference Report. Our ultimate goal should be to bring our troops home in the fastest and safest way possible. Unfortunately, this Conference Report does not achieve that goal. I will continue to work with my colleagues to provide for a fully-funded withdrawal and to bring our troops home for the holidays.

Let me make myself very clear. I will not stop, I will not rest and I will not back down in my fight until every last American soldier is home safely with their families.

Mr. BLUMENAUER. Mr. Speaker, by calling for a withdrawal date from Iraq, today the House is making a compromise that marks another stage in the unfortunate struggle with the President to end the war. Yet despite our hard work and the desire of the American people, this bill faces a veto from a President who is out of touch both with what the American people and the Iraqi people want: winding down the presence of American troops who are stuck in the midst of a civil war.

This is not the precise legislation I would have written, but it is a fair compromise that reflects the mindset of Americans who voted for a new direction in Iraq. The U.S. spends $8 billion a month on the war, and Oregon has already lost 54 brave men and women in Iraq. I have opposed the war from the start, and this bill hastens the day when we bring the tragedy of the Iraq War to a close. I urge support for it.

Mr. OBERSTAR. Mr. Speaker, I rise in strong opposition to the rescission of $683 million of highway contract authority that is included in the Conference Report on H.R. 1591, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, 2007.

The Conference Report provides an additional $683 million for the Federal Highway Administration's (''FHWA'') Emergency Relief Program. Section 4952 of the Conference Report designates this appropriation as an emergency requirement, for which no offset is required.

Despite the fact that no offset is required, the Conference Report rescinds $683 million in unobligated balances of highway funds that have been apportioned to the States. This rescission is highly gratuitous, as it is neither required nor effective as an offset for the supplemental appropriation to the Emergency Relief Program.

Rather than offsetting the supplemental appropriation for the Emergency Relief Program, the $683 million rescission of highway contract authority offsets other spending under the FY 2007 discretionary budget authority cap.

A similar provision was included in the Senate-passed version of the bill. The Senate amendment provided an emergency supplemental appropriation of $389 million for the FHWA's Emergency Relief Program, and rescinded $389 million in highway contract authority.

On April 23, 2007, I wrote to the conferees, strongly objecting to this unnecessary rescission of highway contract authority, and urged them to strike the rescission in conference. Instead, the conferees increased both the appropriation and the rescission to $683 million.

Madam Speaker, the rescission of highway contract authority is the exclusive jurisdiction of the Committee on Transportation and Infrastructure. This rescission violates clause 2 of Rule XXI of the Rules of the House.

Programmatically, I am concerned because of the effect these types of rescissions have on the Federal-aid Highway Program and, specifically, the ability to ensure that our nation's transportation system provides modal choices.

In recent years, the Appropriations Committees have increasingly relied on highway contract authority rescissions to finance non-highway spending in appropriations acts. In addition, more than a dozen states have chosen to apply such rescissions disproportionately to cut contract authority for the Congestion Mitigation and Air Quality Improvement (CMAQ) program, the Bridge program, and transportation enhancement funds.

I am particularly concerned with the treatment of the CMAQ program under these types of rescissions. The CMAQ program provides funding for projects and programs that reduce transportation-related emissions in areas that do not meet Clean Air Act air quality standards (i.e., nonattainment and maintenance areas).

Although CMAQ funds represent only about 4–5 percent of highway apportionments each year, CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years. In FY 2006 states rescinded $881 million in CMAQ funds. Almost one of every four dollars rescinded by the States in FY 2006 came from the CMAQ program.

Comparing the treatment of CMAQ to other highway programs further illustrates the disproportionate cuts of these rescissions. In FY 2006, rescissions as a percentage of the total amount made available for programs are:

CMAQ—55 percent.

Interstate Maintenance—12 percent.

National Highway System—7 percent.

The Transportation Enhancements program has also received disproportionate contract authority cuts under the rescissions. The Transportation Enhancements program provides funds for bike paths, pedestrian walkways, historic preservation, and other activities that expand transportation choices and enhance the transportation experience.

In FY 2006, states rescinded $602 million in Transportation Enhancements funds, 15 percent of all rescissions in that year. Texas alone rescinded $223 million of Transportation Enhancements funding and the Texas Department of Transportation stated that it would not fund any transportation enhancement projects in that fiscal year. Texas' actions, which are facilitated by these contract authority rescissions, are directly contrary to our federal efforts to develop a balanced, multimodal surface transportation system.

During consideration of the FY 2004 Transportation-Treasury-HUD Appropriations bill, the Committee faced a similar effort to cut transportation enhancements funding. The bill, as reported by the Appropriations Committee, included a provision that would have prohibited funds from being used for the ten percent set aside for transportation enhancements under the Surface Transportation Program. Subcommittee Chairman PETRI and I offered an amendment to strike the anti-enhancements provision from the bill and the House overwhelmingly passed the amendment by a recorded vote of 327–90. This vote illustrates the tremendous support that exists among Members of Congress for transportation enhancements, the type of program that is disproportionately harmed by highway contract authority rescissions such as the one included in the Conference Report before us today.

Therefore, for both policy and procedural reasons, I oppose the rescission of highway contract authority as a means to offset nonhighway spending elsewhere in the budget.

Mr. Speaker, I believe that this House will have an opportunity to reconsider this decision in a future Supplemental Appropriations bill and I would like to make clear that, with the urgent climate change issues that our nation faces, I strongly oppose efforts to allow the continued raid of CMAQ and Enhancements funding.

Mr. RANGEL. Mr. Speaker, I extend my strong support ''The Small Business and Work Opportunity Act of 2007'' as included in the Conference Report to H.R. 1591. I am glad that both chambers of Congress, in passing this Conference Report, have spoken to the fact that an increase in the Federal minimum wage enjoys broad bipartisan, bicameral support, as does the approximately $5 billion in small business tax relief also included in the agreement.

Passage of the Conference Report is an important step in achieving an important goal—ensuring an increase in the Federal minimum wage for hardworking American taxpayers. The minimum wage has not increased in more than nine years—the longest period in the history of the law. During that time, Members of Congress have received a $31,600 pay raise. More astounding is the fact that an average CEO earns more before lunchtime in one day than a minimum wage earner earns all year.

Raising the minimum wage to from $5.15 to $7.25 an hour over two years would benefit 13 million Americans including 7.7 million women, 3.4 million parents, and 4.7 million people of color, and provide an additional $4,400/year for a family of three, equaling 15 months of groceries, or over two years of health care. It is wrong to have millions of Americans working full-time and still living in poverty, and at $5.15 an hour, a full-time minimum wage worker makes $6,000 less than the poverty level for a family of three.

Americans overwhelmingly support increasing the Federal minimum wage. An Associated Press poll conducted in January showed almost 80% of those polled supported the $2.10 increase. In fact, the House of Representatives overwhelmingly supports increasing the minimum wage, and passed H.R. 2 with 315 votes in favor. The President has also been supportive of the increase. I hope that combining the tax provisions of this bill with a Federal minimum wage increase will encourage the President's quick action on signing these provisions into law without further delay.

The ''Small Business and Work Opportunity Act of 2007'' as included in the Conference Report to H.R. 1591 expands and extends the Work Opportunity Tax Credit (WOTC), which serves as an incentive to encourage employers to hire individuals from targeted groups which typically experience barriers to work. The WOTC provision in the Conference Report offers additional incentives to hire disabled veterans. The Conference Report also extends and expands the increased expensing amounts for small businesses, allowing them to invest in new technology and equipment. And as a complement to the minimum wage increase, the tax provisions of the Conference Report allow restaurants to continue claiming the full tip credit despite any increase in the Federal minimum wage. Finally, the Conference Report provides a permanent waiver of the individual and corporate AMT limitations to ensure that small businesses are fully able to claim the WOTC and the credit for Social Security taxes paid with respect to cash tips.

The Conference Report contains provisions that continue the Federal government's commitment to the still-recovering areas hit by Hurricane Katrina. It would extend the placed-in-service date as applies to special credits designed to encourage development of low-income housing. The extension of this deadline helps accelerate the use of the credits by eliminating the reallocation process that otherwise would be used. The Conference Report also modifies a tax-exempt bond financing program to allow funds to be used to refinance existing mortgages on homes that were damaged by the hurricanes in the area.

Finally, the tax provisions of the ''Small Business and Work Opportunity Tax Act'' as included in the Conference Report to H.R. 1591 are fiscally responsible and fully offset in a revenue-neutral package. Senate Finance Committee Chairman Baucus and I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the Committee's understanding and legislative intent behind this important legislation. It is available on the Joint Committee's website at *www.house.gov/jct.*

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, due to medical reasons, I will be unable to vote on the conference report on H.R. 1591, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. However, if I had been in Washington, D.C. for the vote, I would have opposed this measure.

I believe that Congress is making a mistake with these attempts to substitute the judgment of military commanders in theater with the micromanaging of politicians in Washington.

Furthermore, I do not believe that setting artificial timetables for withdrawal of our forces from Iraq is in the best interests of our country or our military. While there have been mistakes made in Iraq, I believe that enacting this bill into law would have dangerous consequences for our Nation, Iraq, and the Middle East.

The Iraqi government continues to need our strong support as they rebuild their country, and this legislation would turn our backs on that country in its time of need.

Mr. CONYERS. Mr. Speaker, I rise today in support of the conference report on H.R. 1591, the Supporting Our Troops and Veterans' Health Care Act.

This legislation will support our troops and veterans, hold the Bush Administration and Iraqi government accountable and begin withdrawing our troops from Iraq by October 2007 or sooner. It will also provide emergency funding for critical programs that have suffered from years of neglect.

This supplemental appropriations bill provides emergency funding for critical programs that have long been underfunded by the Republicans. It includes $650 million to correct the funding shortfall in the State Children's Health Insurance program so that hundreds of thousands of children will not lose their health care. It provides $6.9 billion for Gulf Coast hurricane relief and recovery. The bill also adds $400 million to LIHEAP (Low Income Heating Assistance), as well as providing $1.8 billion to remedy the unconscionable state of our military and veterans' health care systems. All of these issues are emergencies in their own right and rise to the level of inclusion in this emergency supplemental spending bill.

The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act requires the Iraqi government to meet the security, political and economic benchmarks established by the President in his address of January 10th, including improvements in the performance of the Iraqi security forces, a greater commitment by the Iraqi government to national reconciliation, and reductions in the levels of sectarian violence in Iraq.

In the bill, the President must determine that substantial progress is being made on security, political, and reconstruction benchmarks by July 2007. If the President cannot certify progress, redeployment must start by July with a goal of being completed within 180 days. If the President can certify progress by July 2007, redeployment must begin by October 1, with goal of completion within 180 days.

The bill ensures that our troops have the tools and resources they need to do the job they have been asked to do. It prohibits the deployment of troops who are not full trained, equipped and protected according to current Department of Defense standards. The President can only deploy unprepared troops if he certifies, in writing, to Congress, that deploying those troops is in the national interest. He must make similar certifications to lengthen troop deployments beyond DoD standards or to send troops back into battle who have not had enough time between deployments. The bill also provides funding so the Veterans Administration can meet the obligations of a new

generation of veterans, particularly by ensuring that they will have the medical care they need.

I have been an outspoken opponent of military action against Iraq since the day the administration started beating the war drums. My preference would have been to vote for a stronger bill with a binding date certain for ending the war. I would have preferred not to include waivers to allow the President to send less than fully equipped and rested troops into battle. I have additional concerns about the section of the bill that allows an unspecified number of U.S. troops to remain in Iraq after the March 2008 deadline to train Iraqis and fight terrorism.

However, I support this legislation in spite of these deficiencies because I believe it is an affirmative step towards our ultimate goal of ending the war. This bill is not everything that I would have liked, but it represents a critical turning point. No longer will this body uncritically hand over billions of dollars for the President to wage an endless war. Congress has a Constitutional responsibility to provide accountability—a responsibility that was shirked for the first 6 years of the Bush presidency while Republicans controlled Congress. Today, we have followed through on that critical duty. We will send a bill to the President that would definitively change our course in Iraq. Mr. Bush should make the right decision and support our plan for change that is overwhelmingly endorsed by the American people. If he follows through on his veto threat, he will be the one who has failed to provide our troops and our veterans with the resources they need. He will be the one who has rejected his own benchmarks to measure success in Iraq. He will be the one responsible for the ongoing loss of American life in Iraq.

The President and most Congressional Republicans ask that we continue to fund this war with "no strings attached." But the United States cannot afford an open-ended commitment to a war without end. It is the responsibility of this Congress to devise a means to end the U.S. combat role in Iraq so that we can reclaim our position of leadership in the world and direct our resources back towards urgent needs here at home. I believe that this bill moves us towards these goals in an effective and responsible way.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this important legislation. This supplemental appropriations conference report contains vitally important funding for critical priorities and unmet needs. For example, this bill includes $1.7 billion more than the President requested for military health care, including funds to correct the scandalous conditions at Walter Reed and other military hospitals. It includes another $1.7 billion for veterans' health care, $2.5 billion for improving the readiness of our stateside troops and $1.4 billion for military housing allowances. A nation at war simply must provide necessary funds to support our troops.

In addition, this legislation includes $3.1 billion for military construction to implement the BRAC mandates that impact Fort Bragg in my Congressional District and military communities all across the country. It is important to note that the former Republican Congressional Majority failed to pass the military construction appropriations and imperiled these priority projects. This legislation corrects that failure.

Mr. Speaker, this legislation will assert some measure of oversight and accountability to a war policy that has been tragically mismanaged by this administration for too long. We need a new direction to rebuild our military and refocus on the true threat to America from al Qaeda and the Islamist jihadists who attacked us on 9/11. We must deploy our military might to eliminate Osama bin Laden and the true "grave and gathering threat" to America.

We must pass this legislation to send a wake-up call to the President that "Stay The Course" is no longer an option. Denial is no longer an acceptable policy. I urge my colleagues to support a new direction and vote for the conference report.

Should the President veto this bill, as he has indicated, I believe he should then meet with Congressional Leadership to work together and forge a consensus on these vitally important matters.

Mrs. CAPPS. Mr. Speaker, I rise to support the conference report on the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

For more than 3 years, when the President came to Congress to ask for funding for Iraq, the Republican leadership's only question was, "How much?"

When the President wanted to extend the tours of duty for troops already deployed and imposed stop-loss orders, the Republican leadership's only question was, "How soon?"

And when the President decided to send more troops to Iraq in one of the failed surges, the Republicans only asked, "How many?"

Madam Speaker, today we end the era of Congressional fealty to the President's failed policies in Iraq.

Today we stop writing blank checks for this war.

We vote today for a new direction in Iraq.

My constituents know that we can't win this war militarily. They know that it's time to start bringing our troops home.

It's time for the President to stop the rhetoric and work with us to end this war.

Support the troops. Bring them home.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the conference report on H.R. 1591 will be followed by a 5-minute vote on H. Res. 320.

The vote was taken by electronic device, and there were—yeas 218, nays 208, answered "present" 2, not voting 5, as follows:

[Roll No. 265]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
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
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
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)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
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 (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—208

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
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
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder

LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNulty
Mica
Michaud
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Emerson
Stark

NOT VOTING—5

Costa
Cubin
Davis, Jo Ann
Lampson
Westmoreland

□ 2127

Mr. YOUNG of Alaska and Mr. PAUL changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 265, had I been present, I would have voted "yea."

CONGRATULATING UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING 2007 NCAA DIVISION I WOMEN'S BASKETBALL TOURNAMENT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 320, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 320.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 266]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
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
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
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
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)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
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
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
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
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
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Baker
Cramer
Cubin
Culberson
Davis, Jo Ann
Feeney
Gohmert
Hunter
Lampson
Linder
McCrery
McKeon
Radanovich
Stark
Waters
Weldon (FL)
Westmoreland

□ 2135

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE FAIRBANKS COMPANY

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Fairbanks Company in Rome, Georgia, which is celebrating their 120th year of manufacturing this year. In fact, the Fairbanks Company is the oldest surviving manufacturer in Floyd County, dating back to the plant's establishment in 1987.

Well, much has changed over the past century. The company has seen its original product line of wagon and railroad track scales give way to the current line of hand-trucks, wheels, dollies and platform trucks. In fact, the company was responsible for all of the trucks that serviced the British steamship *Queen Mary* and S.S. *United States*.

But one thing has not changed over the past 120 years, Mr. Speaker, and that is the company's commitment to quality and community. Indeed, the Fairbanks Company is a critical industry in the Rome community, and the company's leaders and workers take exceptional pride in their product and their work.

Mr. Speaker, I ask that you join me in congratulating Fairbanks Company on 120 years of industry in the Floyd County community.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee). 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.

IRAQ WAR SUPPLEMENTAL

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

Mr. CUMMINGS. Mr. Speaker, I would like to begin by thanking Speaker PELOSI and Chairman OBEY for bringing the conference report for the Iraq supplemental to the floor. You have shown tremendous leadership in the face of great opposition and criticism.

To my colleagues who joined me in passing this legislation, we have demonstrated to our constituents that we are listening to their mandate.

Five weeks ago, we commemorated the fourth year of the U.S. invasion of Iraq. Today, we move with urgency to end 4 years of bloodshed that has resulted in the death of 3,300 men and women in uniform deployed in Iraq, 59 of those being sons and daughters of the great State of Maryland.

While I opposed the war from the very beginning, I believe we have a duty to redeploy in a responsible manner that protects the Iraqi people and our troops.

Additionally, we have a responsibility to our courageous men and women in uniform, their families, and the American people by putting an end to their incredible sacrifices.

Despite the rhetoric, the President's plan is simply not working. According to a Washington Post report dated April 4, 2007, the number of Iraqi policemen killed across Iraq nearly doubled from 171 in February to 331 in March.

Meanwhile, the numbers of unidentified bodies found across Baghdad are rising again, suggesting an increase in sectarian-motivated death squad killings. Surely, this is not a sign of us winning the war in Iraq; but instead, it is a sign of how the conflict is swiftly tumbling into a civil war that is on the edge of becoming a battle beyond our control.

As Members of Congress, it is our duty to bring President Bush back to reality. Progress in Iraq will not be measured in military terms. The primary solution to many of the crises in Iraq are simply political, in that obtaining bilateral assistance from Iraq's neighbors, the international community and the Iraqis themselves, is a vital step to resolving many of the present conflicts.

Unfortunately, the President views the situation quite differently. Rather than attempting to reach compromise, he has threatened to use his veto power. In doing so, he will be rejecting the benchmarks for Iraq that he himself has repeatedly stated must be reached to resolve this crisis. The President will also be vetoing so much more.

The supplemental provides troops with three things they need to be successful: Training, equipment and rest.

Further, as a member of the House Armed Services Committee, I am particularly proud that $3 billion is provided for the purchase of mine resistant, ambush protected vehicles.

The President should take note that he will be vetoing accountability requirements in the area of homeland security. To that end, the supplemental makes important changes to the Coast Guard's $24 billion, 25-year Deepwater contract to prevent the development of assets that simply do not work.

Further, the supplemental will require the Coast Guard to identify both the staffing structure it needs to manage Deepwater, and the training that acquisitions oversight staff will require to be effective.

Having chaired two oversight hearings involving Deepwater, and having worked with Chairman OBERSTAR, chairman of the full committee, to conduct an investigative hearing into Deepwater, I know that the significant problems that have been experienced with this contract have arisen at least in part due to the decision of the Coast Guard to move forward with the program before they had the staff, expertise, and management systems in place to ensure effective oversight.

Finally, I strongly support these provisions and look forward to building on them in the Coast Guard reauthorization which we are drafting. If this supplemental is not signed and if we fail to override the veto, we will start from scratch, forcing us back to the drawing board. However, I will not give up or give in. It is time to bring our troops home

PERSONAL EXPLANATION

Mr. COSTA. Mr. Speaker, I ask unanimous consent to address the House regarding rollcall No. 265.

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object.

Mr. COSTA. Mr. Speaker, I simply want to note for the RECORD that I had voted previously for the supplemental measure, and that if I had been here at the time, I would have voted ''aye'' on rollcall No. 265. It is consistent with my previous vote on this measure. While this measure is imperfect, I think on balance it provides the benchmarks the President has recommended. It also provides disaster relief that I think is necessary for many areas of the country that have experienced disaster that the President has so designated in his own message, and I want the RECORD to note that I would have voted ''aye'' on rollcall No. 265.

□ 2145

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

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

INTERVENTIONIST FOREIGN POLICY

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

Mr. DUNCAN. Mr. Speaker, no country has ever done as much for another country as the United States has done for Iraq. We have spent hundreds of billions rebuilding their infrastructure, providing police protection, building hospitals and clinics, schools, and water and power plants, giving free medical care, hiring hundreds of thousands of Iraqis and on and on. All of this in a country that had a total GDP of only $65 billion the year before the war was started.

In spite of all this generosity, a huge majority of Iraqis, 78 to 80 percent by almost every poll, wants us to leave. They want our money, of course, but not our presence, except those who are working for us. But there needs to be some limit to our generosity.

We need to start putting our own people first. If we do not, we are soon not going to be able to pay all the Social Security and military pensions, and all the other things we have promised our own people with money that will buy very much.

Governments all over the world have gotten in this situation. They then start printing more money, and people do not realize what is going on. All they see is each year their pensions buy less than the year before.

Today we have a national debt approaching $9 trillion. Even worse, according to the GAO, we have unfunded future pension liabilities of $50 trillion.

We all love and respect our military, but there is waste in any gigantic bureaucracy, and there is huge waste even in the military. A year and a half ago, it was reported by the Defense Department's own inspector general that $35 billion had been misspent in Iraq due to waste, fraud and abuse, and another $9 billion had simply been lost and could not be accounted for at all.

Not only has the U.S. done more for Iraq, we do more for every other country, by far, than does any other Nation. Almost every Federal department and agency has operations around the world.

Liberals will tell you that our foreign aid is only a little over 1 percent of our budget. This is very misleading. We are spending megabillions in other countries when you add up not only the Defense Department but all the other departments' spending, too.

We all love and appreciate our country, but all of this spending is not helping. There is more resentment than ever toward the U.S. because of our interventionist foreign policies.

President Bush campaigned in 2000, saying that we needed a more humble foreign policy, and that we should not be doing nation-building. Interventionist foreign policies and nation-building are not only causing resentment toward us, but we simply cannot afford them if we are going to pay our Social Security and other promises a few years from now. You can still love this country and be a very patriotic American and oppose interventionist foreign policies.

We cannot afford perpetual war just because defense contractors and people at the top levels of the Pentagon always want more and more money. All of this is stated more articulately by two conservative writers, Jacob Hornberger, president of the Future of Freedom Foundation, and Richard Ebeling of the Foundation for Economic Education.

Mr. Hornberger wrote: ''If Americans come to realize that the Federal Government's philosophy on foreign aid, foreign intervention and empire lies at the heart of foreign anger, resentment, and hatred for America, then they will see that another option is available to them: End the motivation for terrorism by putting an end to the U.S. Government's role as international welfare provider, intervenor, and meddler.

''The interventionist and imperial vision will inevitably lead to more terrorism against Americans, less freedom for the American people, and more power for the Federal Government. It is a vision that will inevitably lead us away from the principles on which our Nation was founded.''

He continued, ''The contrary vision, a vision based on liberty, free markets and limited government, is the key to peace, prosperity and harmony for the American people. That vision entails ending the U.S. Government's interventionist and imperial role in the world and limiting it to protecting our Nation from attack or invasion.''

Mr. Ebeling wrote: ''Two wrongs do not make a right. That America does things abroad it should not is not an excuse or rationale for what happened on September 11. But the United States will continue to create desperate and fanatical men who will view it as the enemy for as long as it interferes into the affairs of other people in other nations. That means there is no end to this 'war on terrorism' as long as the United States follows the foreign policy'' of recent years. ''Ending U.S. foreign political and military interventionism is the only way to reduce the creation of enemies of America in other lands.''

He continues, ''Ending the policy of foreign internventionism is also crucial to protecting our freedoms at home.

''Who will guard us from the guardians is the perennial dilemma. When the crisis has passed there will be new government agencies and bureaus with new government employees who will look around for new justifications and rationales to keep their jobs and expand their budgets. They will have powers to intrude into our lives that they will want to use in ways not originally intended. And even more of our freedoms will then be at risk.''

IT IS TIME FOR THE PRESIDENT TO STOP TALKING AND START LISTENING

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

Mr. McDERMOTT. Mr. Speaker, the bill we just passed has the weight of a feather. It is very weak on setting a date to get our soldiers out of Iraq. If anything, this legislation bends in the wind as a sign of flexibility by the Democratic Congress to work with the President.

And yet a piece of legislation so inherently weak has provoked so many attacks from the White House that its real value may be proving to the American people that the President is out of touch and out of control.

The President's military escalation has only escalated the body count, but he claims we are making progress. Mr. Speaker, tell the President we are not making progress. We are making widows and widowers. The bloody awful war must end now, but the President is in total denial.

How many more must die before this President opens his eyes to reality? We are not seeding democracy. We are spilling blood into the soil, and what is growing is hatred for America, contempt for the President's military occupation and the killing and maiming of America's next generation.

What will the President say to the 82nd Airborne when his rationale for continuing this war is irrational? This heroic, distinguished unit of American soldiers has suffered its worst single day of casualties since the Vietnam War.

Mr. Speaker, what will the President say; we are winning? There will be bad days in Iraq? We are making progress? Mr. Speaker, tell the President we are not making progress. We are digging graves to bury mothers and fathers and sons and daughters, all patriotic Americans, all of them sacrificed needlessly.

They marched off to war, and tens of thousands of Americans are coming home in coffins and on stretchers. The American people have had enough of this bloody, worthless war, but the ways of Washington are not as wise and as pragmatic as the will of the American people.

Today, we passed a weak-kneed piece of legislation that this President will cut off at the knees. The President will emerge from his reality-proof bunker just long enough to veto the bill. He will make a speech and what will he say? My way or no way.

The stroke of the President's veto pen will be like a knife cutting away any hope of reason or sanity for ending this bloody, God-awful war.

The President has retreated to a bunker where he cannot hear the American people, the Iraqi people, our soldiers, military experts and world leaders who keep telling him that the Iraq War will never end until we end it by withdrawing our soldiers and demanding diplomacy.

The American people want their government to listen. The American people want this President to stop ordering soldiers into the crossfire of civil war. The American people want our soldiers home and out of harm's way.

I voted for this Iraq bill today, knowing it will never become law. But I voted for the Iraq bill today because the weight of a feather can sometimes support the resolve of a Nation.

This piece of legislation is the smallest step down the right road, the only road available to leaders who can truthfully assess the reality on the ground in Iraq and respond with reason.

Some will say we are sending a message with this bill, but I think differently.

I believe the President will be sending a message to the American people when he vetoes this bill, a bill so flexible that it could barely stand on its own. The President's veto message will be that he refuses to listen, refuses to change, refuses to work with Congress and rejects the will of the American people.

The President said America will still be at war in Iraq when he leaves office in January 2009. That ought to be America's worst fear. And the only way to overcome it is for the American people to demand that the Republicans vote with the Democrats to overturn any Presidential veto that perpetuates the war any longer. And if Republicans will not do it, then elect someone who will.

The American people have spoken in November and they have said, get out of Iraq. It is time for the President to stop talking and start listening. Bring our soldiers home and leave Iraq to the Iraqis.

THE FUTURE OF OUR COUNTRY

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. Mr. Speaker, I am really distressed after listening to all the debate today. I have not seen this House split like this in the 25 years that I have been here, and I am really concerned not only about the future of Iraq and our troops over there, but I am concerned about the future of this country.

After 9/11, we were told by the President that this was going to be a long, arduous war against al Qaeda and that we had to go after terrorists around the world, wherever they are. Al Qaeda has attacked the USS *Cole*, as has been mentioned. It has attacked our embassies in Africa. It has attacked our residences in Saudi Arabia. It has attacked in Britain. It has attacked in France. It has attacked in Spain. They are not going to go away.

Al Qaeda, according to General Petraeus today, he mentioned them about five or six times, is one of the major adversaries that we face today. In fact, the new military leader, or war leader, this is the successor to al-Zarqawi, who was killed in 2006, a member of al Qaeda, is al-Muhajer, an al Qaeda leader who is now the head of the military wing of al Qaeda and the terrorist movement in Iraq. They have stated that they want to create an Islamic state and they are hell-bent to do it.

Al Qaeda, they are the ones that attacked the World Trade Center and killed 3,000 Americans. They are the ones that flew the plane into the Pentagon. They are the ones that attacked the plane and it flew into the ground in Pennsylvania, al Qaeda.

And they are the ones that apparently, according to the majority, are going to drive us out of Iraq, and if they do, my concern is that that will be a breeding ground and a launching pad for terrorism not only in the Middle East but around the world. I really have a concern about that, and if that happens, I think that what will happen is we will be involved in a much, much bigger war down the road.

We may be, if we pull out of Iraq, and I have no doubt that the opposition is going to push like the dickens to get it done, if we pull out of Iraq before the job is done, and I have sympathy for our troops and their families and everybody else, but if we pull out of Iraq before the job is done, I think we may very well be sowing the seeds for World War III. And as I have said on this floor a number of times and have talked to my colleagues, appeasement and weakness leads to horrible things.

Lord Chamberlain, going to Munich and talking to Hitler and appeasing him, led to 62 million people dying in World War II. We are now in a nuclear age. We have people who will blow themselves up in order to get their aims. They do not want to live. They want to die. They want to be martyrs.

Can you imagine what will happen if Iran develops a nuclear program and they have briefcase nuclear weapons? They will blow themselves up with a nuclear weapon. As I said earlier today, two blocks from here they could ignite one of those bombs, and it would kill all of us. They could do it two or three blocks from the White House, and it will destroy completely an eight-square-block area and radioactive fallout will be all over the place, killing tens of thousands of others.

I am really worried, and I hope my colleagues will think long and hard about not only today or yesterday, but the future. If we don't deal with this problem correctly now, if we don't let al Qaeda know that they can't win, then I believe the problems down the road are going to be much more severe, and thousands, maybe hundreds of thousands, and maybe millions of people will die as a result of the wrong decision we are making right now.

□ 2200

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

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE SITUATION IN SUDAN, IN SUPPORT OF H. CON. RES. 7

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

Mr. WYNN. Mr. Speaker, I rise today to address the growing crisis in the Sudan. Today, earlier today, the House passed House Concurrent Resolution 7, an important piece of legislation that calls on the League of Arab States to acknowledge the genocide in Darfur, to support the U.N. peacekeepers and to work with the U.N. and the African Union to bring peace to the region. I am proud to have been a cosponsor of this important legislation, and I thank the House leadership for its attention to this crisis.

An estimated 200,000 noncombatant civilians, including women and children, have been murdered by the janjaweed militia fighters supported by the Sudanese government; 450,000 people have been killed in the conflict. To date, 2.5 million villagers in the Darfur region have been displaced from their homes. Most Darfurians live in camps today.

There is no question that the acts of the janjaweed militia and, by extension, the government of Sudan constitute a level of violence that can only be described as genocide. But now that violence has spread. With the splintering of rebel groups into as many as 12 factions, there is increasing rebel-on-rebel violence with the possibility of return to all-out war.

The African U.N. has deployed nearly 7,000 troops to the region. Last year the United Nations Security Council authorized a peacekeeping force of 22,000 U.N. troops for Darfur. Those peacekeepers, unfortunately, are still not in place due to the resistance of the government of Sudan.

Today, U.N. negotiations with Sudan continue in an attempt to add at least 3,000 U.N. peacekeepers to the existing 7,000 African U.N. peacekeepers, and to allow the U.N. to use helicopters to safeguard peacekeepers and the refugees they protect. The Bush administration has suspended its pending sanctions against Sudan at the request of the U.N. to give these negotiations time to work.

I hope that these negotiations will be successful, and that the peacekeepers can be effective in ensuring that there is no further loss of life and that international aid can get to those who most desperately need it. Humanitarian access to refugees is decreasing, due to the administrative foot dragging by the Sudanese government. Humanitarian groups are under increasing pressure due to restrictions placed on them by the Sudanese government, as well as the deteriorating security situation.

We must ensure access for humanitarian workers and continue provide to funding and support that they need to perform their lifesaving mission. The conference version of the appropriation bill approved by the House just a few minutes ago included over $360 million in peacekeeping and disaster assistance for the victims of this crisis. That includes $44 million in international disaster and famine assistance funding for immediate lifesaving needs of victims of the Darfur crisis, including health care, access to water, sanitation and shelter, $150 million for additional food assistance in Sudan and eastern Chad.

Most of the humanitarian groups now operating in Sudan are doing so supported by the U.S. Government, with money provided by U.S. taxpayers. We must work in cooperation with the United Nations and with our friends and allies around the world to stop these horrific crimes and to provide a essential aid to the victims of this conflict and to bring peace to the region.

We must be prepared to keep the pressure on. The emergency supplemental that we just passed calls on the Secretary of the Treasury to prepare a report on companies that do business in Sudan and determine whether the U.S. Government is currently doing business with them. The point is, that if the time comes for sanctions, Congress will be ready. Congress is also calling on Sudan's neighbors to acknowledge the genocide in Darfur and to take steps to stop it.

The bill we passed today calls on the Arab League to declare the systemic torture, rape and displacement of innocent civilians in Darfur as genocide. The Arab League must support and accept U.N. peacekeepers to ensure an end to hostilities and the safe passage of humanitarian aid. The Arab League needs to engage the U.S., African Union and Sudanese government to bring lasting peace and stability to Darfur.

I am very proud to have supported this legislation, as well as the conference report, and look forward to working with my colleagues to help bring a peaceful future to Sudan and peace to the lives of the Darfurian refugees.

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

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

SMALL BUSINESS WEEK

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

Mr. CONAWAY. Mr. Speaker, Monday, April 23 of this year marked the beginning of Small Business Week, honoring small business owners and their employees for their dedication and hard work that has helped to ensure that this Nation continues to remain a strong leader in the global economy.

This week, we celebrate their countless hours, their commitment to their families, communities and our Nation. The 11th district of Texas boasts a large number of successful small businesses and, combined, they have labored extraordinarily to establish themselves as a backbone of our economy. They have provided numerous jobs, endless opportunities, and sustained economic growth.

Mathis Field Cafe in San Angelo, Texas, is one of the small businesses that I am proud to represent in Washington. Mathis Field Cafe employs 26 people, specializing in serving authentic Chinese cuisine. It was founded by two Chinese immigrants in 1988, Sam and Rose Ng, who are now United States citizens running this very successful small business.

It is small establishments like this one in the 11th District of Texas that I proudly represent and that I want to honor and thank for their tireless efforts day in and day out. Steady pro-economic and pro-business policies encourage job growth and allow our small businesses to thrive. I expect to see cafe and other small businesses in District 11 reap the benefits of our strong economy and give back. This week we honor all small businesses alike.

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.)

IN MEMORY OF SERGEANT WILLIAM W. BUSHNELL

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the memory of a fallen Arkansas hero, in fact, a true American hero, SGT William W. Bushnell of Jasper, Arkansas.

Sergeant Bushnell was a member of the 1st Cavalry at Fort Bliss. Sadly, he died from his wounds this past Saturday after his vehicle was hit by a rocket-propelled grenade.

Sergeant Bushnell's father, Wesley, told the Associated Press, ''Billy served proudly in the airborne infantry. That's what he wanted to do when he joined and proud to do it. His shoulder was hurt a while back, and he went to a hospital in Kuwait. All he could think about was getting back in with his comrades in Baghdad.''

This is the type of commitment towards others we can be so very proud of, to his fellow soldiers and commitment to his country.

My prayers, the prayers of my family, and the prayers of Arkansas are with the Bushnell family. I humbly offer my thanks to Sergeant Bushnell for his selfless service to the security and well-being of all Americans.

IN MEMORY OF ROSCOE LEE BROWN

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

Ms. WATSON. Mr. Speaker, it is with great sadness and a deep sense of loss that we received the word of the passing of Roscoe Lee Brown on April 11, 2007. Mr. BROWN was a distinguished Californian whose deeds and life merit the grateful acknowledgment of his community, his State, the Nation and the world.

Roscoe was born on May 2, 1925, in Woodbury, New Jersey. He graduated from Lincoln University in Pennsylvania in 1946, earned his post-graduate degree at Middlebury College, and did graduate studies at Columbia University.

In college, Roscoe was also a star athlete, winning the world championship in the 800 meters in 1951. After finishing his college and post-graduate career, Roscoe returned to Lincoln, where he taught French and comparative literature.

At a dinner party in 1956, Roscoe announced his decision to become an actor, auditioned for and won a role in Julius Caesar the next day at the newly formed New York Shakespeare Festival, and found his life-long artistic passion, performing five more roles with that company.

In 1961, Roscoe appeared with James Earl Jones in the original off-Broadway cast of Jean Genet's landmark play, ''The Blacks.'' He won an Obie for his role in ''The Old Glory,'' received the Los Angeles Drama Critics Circle Award for both ''The Dream on Monkey Mountain'' in 1970, and ''Joe Turner's Come and Gone'' in 1989.

He wrote and directed ''An Evening of Negro Poetry and Folk Music,'' 1966, returned to Broadway in Tommy Tune's 1983 ''Kicking the Clouds Away,'' and earned a Tony nomination in August Wilson's ''Two Trains Running.'' That was 1992.

In 1962, Roscoe made his debut in films, appearing in ''The Connection.'' He has also appeared in ''The Comedians'' in 1967; ''Up Tight!'' in 1968, Hitchcock's ''Topaz'' in 1969, ''The Liberation of L.B. Jones,'' ''Superfly,'' ''Uptown Saturday Night,'' ''Logan's Run,'' ''Legal Eagles,'' ''The Mambo Kings'' and ''Dear God.''

Roscoe's television career included memorable appearances on all the top 1970 sitcoms, including ''All in the Family,'' ''Maude,'' ''Sanford and Son,'' ''Good Times,'' and ''Barney Miller.'' He replaced Robert Guillaume on ''Soap,'' and in 1986 he won an Emmy guesting on ''The Cosby Show.''

His resonant baritone was heard in documentaries, live-action fare and animated films, as well as the spoken-word arena with such symphony orchestras as the Boston Pops and the Los Angeles Philharmonic. For many years he and actor Anthony Zerbe toured the United States in ''Behind the Broken Words,'' an evening of poetry and dramatic readings.

Roscoe Lee Brown was a person of exceptional talent and accomplishments. He was among the first generation of African-American actors who sought to ply their craft during a period that rarely acknowledged or provided opportunity to persons of color.

It can truly be said that the Denzel Washingtons and other younger black actors in movies and television stood on the backs of giants like Roscoe Lee Brown, who blazed a trail for them through perseverance, hard work, and uncommon displays of exceptional talent.

May he rest in peace.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

□ 2215

A SAD AND SOBERING DAY FOR AMERICA

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, this is a sobering and sad day for America and for the House of Representatives. The Iraq supplemental war bill came to the floor this evening. It is a bill where the President had requested the resources of the American

people to support American men and women in harm's way nearly 11 weeks ago. The bill that came to the floor tonight had that amount of resources, and then some. It had over $20 billion in extra money, Madam Speaker, money that nobody could honestly say with a straight face was appropriate in an emergency supplemental bill.

In addition to that, it also had all sorts of timelines and arbitrary benchmarks that make it so that the Speaker of the House and every single Member of this House is in fact a commander-in-chief.

There was celebration on the other side of the aisle when this bill passed, muted. I would suggest, Madam Speaker, it was a little embarrassed, because they understand in their heart what they have done. What they have done is a shameful action, Madam Speaker.

General Petraeus came to visit the Congress today. General Petraeus is the Commander of Coalition Forces in Iraq. General Petraeus and his men and women are putting their lives on the line, day in and day out.

He came to the House today. He came to Congress today to ask for clarification of what Congress had intended. He asked for the opportunity to inform the House of Representatives, the Members of the House. And from what I heard this evening, Madam Speaker, the majority party didn't listen and they didn't learn. All they have done, apparently, is to work on legislation that will ensure defeat.

Madam Speaker, this majority party is vested in failure. Vested in failure. Their actions do a disservice to our troops. They say to our troops, we have got no faith in you. We don't believe in your mission. We don't believe in you. That is what this majority party says.

They send the wrong message to our allies. What they say to our allies is that you can't trust America. America's word is not good, given this majority party.

And they send the wrong message to our enemies. What they say to our enemies is, all you have to do is wait.

Madam Speaker, this is a sad and a shameful day. The majority leader in the United States Senate has said that this war is lost. ''This war is lost.''

I stood with parents of a constituent of mine this weekend, Madam Speaker, this past weekend, who was on his way to Iraq that very day. They asked me, what am I supposed to say to my son? It is a heart-wrenching question, Madam Speaker, when you have the majority leader in the United States Senate saying that the war is lost. It is in headlines across this Nation that the majority leader says this war is lost.

Madam Speaker, I think it is incumbent, given that kind of statement by the majority leader in the United States Senate, for the House Democrat leaders to come down to this floor and say what they believe. Do they believe the war is lost? Do they agree with Senator REID?

Madam Speaker, their silence is deafening. Do you hear them? What do they say? Are they here tonight? Are they here to say what they believe about our troops? Are they here to say that they believe in the men and women who are protecting our freedom and working as hard as they can to protect themselves?

Madam Speaker, this Democrat silence is deafening. What a shame. What a terrible shame.

Madam Speaker, it pains me and it saddens me to say what appears to be leading these new Democrats is the same as the old, and that that it is all politics all the time. What a shame.

30–SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 50 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Madam Speaker, I am very pleased to be able to kick off what I hope will be a very interesting hour. Every week we try to get together at least once as members of the 30-Something Working Group at the pleasure of the Speaker of the House to talk about some of the most pressing issues, not only to this country at large, but in particular to the young people of this country. I appreciate the Speaker giving us this opportunity.

We are hopefully going to be joined today by some of the veteran 30-Something Members, but we are going to kick today off with Mr. ALTMIRE of Pennsylvania and myself and our special guest today from New Hampshire, young-at-heart PAUL HODES.

Madam Speaker, I think the gentleman from Georgia is right on one point at least, that this is a sobering week here in the halls of Congress. We have had a lot of bad news this week. We have mourned the death of far too many young people at Virginia Tech. We have mourned the loss of one of our own here on the House floor. We are wrapping up a month in which we have seen 86 more soldiers die on the battlefields of Iraq amidst a growing civil war, a war now that has cost over 3,300 lives, 24,000 wounded and $379 billion spent.

Our friend who just gave the final 5-minute speech on the other side of the aisle suggested that the silence was deafening from the Democratic side tonight in this Chamber. Well, we were talking all day. We were talking last week and the week before. There was no silence on this side of the aisle. For the first time, for the first time, this Congress picked its head up out of the sand to realize what is really happening over in Iraq.

You can talk all you want about failure and defeat and victory, but you have got to be a little bit clear about what we are talking about over there, because maybe we entered into a fight with an army commanded by Saddam Hussein, but we have now got ourselves mired in what is a civil war.

Madam Speaker, I got the chance, along with five other Members of this body, three Republicans, three Democrats, to go over to Iraq and Afghanistan a few weeks ago, and we asked the generals on the ground a very simple question: Of all of the fire that you find yourselves in the middle of on the streets of Baghdad, tell us what percentage of that which is directed at U.S. forces is a fight from insurgents directly against the United States, and tell us what percentage of that fire is sectarian strife, Sunnis and Shia fighting each other.

I have to tell you, listening to the other side, you would have no clue that the answer was 90 percent. Ninety percent of the fire directed at U.S. forces is simply by virtue of us being in the middle of what has become a civil war there.

So you can continue to bury your heads in the sand while we talk about this tonight, but we choose not to. We chose to side with the American people, 60 percent of whom say unequivocally that they want a timetable to bring our troops home. We sided with the Iraq Study Group, some of our top foreign policy leaders in this country, Republicans and Democrats, who unanimously stood up to say it is time to redeploy our forces. We stood with some of the brightest and most courageous military generals.

We have come to the position that it is de rigueur for generals to speak out against the war, because it seems that there is a new one coming out and talking about the tragedy of this war every day. Well, this didn't happen up until the Iraq conflict. You have never seen this number of former military men standing up and suggesting we need to set a different course.

So maybe this is a little bit of a quiet room tonight after a very long day, but, yes this was a loud and boisterous hall earlier tonight, because for the first time in a long time, this Congress stood up and excerpted the will of the American people.

Before I kick it over to Mr. ALTMIRE and Mr. HODES, let me just quickly talk about what we did here today.

You want to talk about supporting the troops. Let's talk about the fact that this bill had every dollar that the President asked for in it, and more. And more. We put in more money to make sure that every single troop has the equipment, the protection, the armor that they need.

This bill has $1.7 billion in additional money beyond what the President asked for for veterans, $1.7 billion beyond what the President asked for for healthcare for our existing armed forces.

You want to talk about supporting the troops, then you better look at the words and the numbers in this bill, balls what the President wanted, he got, and we put more on top of it to

make sure that every single soldier is taken care of on the battlefield, and when they return to this country, they are not just given average healthcare, but they are given the gold standard of healthcare when they come back here.

What we did on that bill was for the first time suggest that this commitment cannot be open-ended. For Mr. HODES and Mr. ALTMIRE and myself, we have gotten the opportunity over the last few weeks to go back and talk to our constituents, and you are having to turn over a bunch of different rocks as time goes on to find people who are still willing to say that we should have absolutely no end to our commitment there. That we should do virtually nothing to force the Iraqis to stand up for themselves.

Let me give you one important quote from this week. Folks on the other side of the aisle will say that this timetable is somehow harming our efforts there. They maybe should speak to our own Secretary of Defense, who just this week said this: ''The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.''

Our own Secretary of Defense, the spokesman on matters of war for this President, says that our discussion here about ending our open-ended commitment, about forcing the Iraqis to stand up for themselves, has had a positive effect. So to our friends on the other side of the aisle, they might want to check with the administration before they cast aspersions on the work that we are doing here.

The last thing to say. The last thing to say. We better put some definition on what war we are fighting here. I know Mr. HODES wants to say something about this as well. This is not a war for us that needs to be fought between two sectarian parties in Iraq. This is a war on the people that attacked this country. Maybe some people on the other side of the aisle haven't noticed, but the people that attacked this country came from Afghanistan, a country that we have left behind.

We had a chance to visit Afghanistan just a few months ago, and we found that the Taliban is in a resurgence there. We found that the new power player in the Middle East, Iran, is starting to meddle in the affairs of Afghanistan, in part because we haven't put the money and the troops and the resources and the infrastructure dollars behind our effort there to make sure that it is a self-governing country.

We have got fights all over the globe that this country needs to be a part of if we really want to talk about making this country safe. So when we talk about redeployment, we mean it. It is not just about withdrawal. It is not just about taking every single troop who is over there and bringing them home to their families. We would love to do that. There is not a single one of us who hasn't spent an amount of time with the National Guard and the Reserve troops that have been so heavily stressed by these multiple deployments. There is not one of us who has not sat with active duty families who have seen their family members deployed once, twice, three times, over to Iraq and Afghanistan.

We would love to bring every single one of them home. But we know that the reality of this new world order is that we have got to have a much more global view. We have got to make sure that we have the troops necessary to be committed all over the globe, to make sure that we recognize how broad the threat to this country is today.

That is not what we are doing right now. That is not what we are doing. In fact, what we have done is created a safe haven for terrorists. We have created what our own intelligence community calls the cause celebre for the Islamic extremist movement in this world, to find shelter in Iraq, to breed, to train, and then to present an even greater threat to this country.

So, yes, Madam Speaker, there was a little bit of celebration on this side of the aisle when we passed this bill tonight. Not because this isn't the most serious subject that this House will face over the next 2 years. It certainly is. We take that as a grave responsibility that it so deserves. But because it is about time that we picked our heads up out of the sand and said in our gut, in our conscience, we cannot allow our military forces to continue to be the referee of a civil war. And in our gut and in our conscience and in our head we know that this fight is broader than just what happens on the streets of Baghdad. This is a global fight against the people that took us on, and by redeploying those forces, by doing the right things by the soldiers who are on the ground in the middle of this civil war, by making a commitment as strong as ever to our troops and to our veterans, we finally, we finally, started imposing a foreign policy that will guarantee the security of this country, not just for the next week or the next month, but decades and hopefully centuries.

Madam Speaker, I would like at this point to yield, if I could, to a good friend and one of our new 30-Somethings, the gentleman from Pennsylvania, Mr. ALTMIRE.

□ 2230

Mr. ALTMIRE. I thank the gentleman from Connecticut. And I wanted to spend some time talking about what this bill actually does, because I heard some rhetoric during the debate from the other side that I couldn't believe I was hearing, because it had nothing to do with the facts of what's really in this bill. I heard Members stand up and say that the goal of the Democrats is to cut the funding for our troops and cut and run and do an immediate withdrawal. And none of that is in this bill. That is not what we voted on today.

And the great thing about democracy, the great thing about this House, the House of Representatives of the United States is that we have people who represent every side of the political spectrum. And there are a handful of Members who feel so strongly about this issue that they feel we need to immediately cut the funding and immediately withdraw our troops and bring them home. And they are very vocal. And what's interesting about that group is they didn't support this bill. The people who feel so strongly that we need to cut the funding and bring our troops home immediately voted against this bill, along with the Republicans.

So when I hear Members on the other side talk about what our goals are, and then I think of the fact that they are the ones that voted with the people who want to bring our troops home immediately and immediately cut the funding, that leads me to believe that perhaps they didn't read the bill closely enough, or maybe there's just some rhetoric that's being thrown around that they know is not true.

And what I would suggest to my colleagues, and certainly to the American people, is you look at what is in this bill. And we've talked about this before when we passed the first bill before it went to conference. We give the President more money than he asked for. The conference report that we voted today, 4 billion more dollars to go to Iraq and support our troops than President Bush asked us for. That's not cutting the funding. That is supporting our troops.

We increased funding for the Department of Defense health care facilities to make sure that situations like Walter Reed never happen again. We increased funding for the Veterans Affairs health care system to make sure that we have adequate coverage for our Nation's veterans, because, as we have talked about many times on this floor, there is no group that should stand ahead of our Nation's veterans when it comes time to make funding decisions.

And this bill, for now the fourth time in 4 months, we have voted to increase funding for the Veterans health care system, and not continue the past 6 years of chronic underfunding for the VA health care system.

And finally, this bill does, in fact, add some accountability to the process. The only remaining leverage that we have left in Iraq, almost 4 years to the day after we were told the mission was accomplished, that date was May 1, the only remaining leverage we have left is our presence there.

The gentleman from Connecticut talked about how he was in Iraq, and I don't want to put words in his mouth, but I am sure you spoke to some of the leadership over there and experienced the fact that the Iraqi government has not stepped up to manage their own affairs and administer their own government. In fact, they have failed miserably in that action, and they show no

sign of being willing to step up to the plate. And the only leverage we have to make that happen, and that is the only solution to this conflict, is a political solution. There's no military solution because, it has, as you said, degenerated into a civil war. The only leverage we have there is our presence there. And until we say, loud and clear to the Iraqi government, that our presence there is not open ended, that we do consider this to be a situation that they need to step up, administer their own affairs and run their own government, nothing's going to change. And we did have, 4 years ago today, an announcement that the mission was accomplished; and we'll be here next year and the year after and the year after, and we'll still be waiting for the Iraqi government to step up unless we take affirmative action to add some accountability, which is what we did in this bill today.

So I'm going to give it back to the gentleman so he can talk to Mr. HODES momentarily, because I know he's chomping at the bit to say what he has to say. And I'm looking forward to hearing it myself.

But I just want to be crystal clear, this bill, in no way, represents a cut in funding for our brave men and women who are serving us in Iraq. It has more money in it for our troops, direct aid for our troops, than the President asked for. Make no mistake about that.

So at this point I would yield back to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I want to read it one more time, Mr. ALTMIRE, just because it backs up everything you said. I want to read it one more time. Secretary Gates. ''The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis this is not an open ended commitment.'' I mean, that's worth saying again, because for all the rhetoric that we get about what we are doing here and what kind of impact it has in Iraq, we have our Secretary of Defense telling us exactly what has been our intuition for years; that the only way, Mr. ALTMIRE, just like you said, the only way for us to exert any pressure on the Iraqis to stand up for themselves, to get their military shop in order, to get their civil shop in order, to get their political stop in order, is to tell them that we are not going to be the crutch that they can rely on in the long run. We've recognized that here for a very long time. Our Secretary of Defense now joins us in that.

And at this point I would like to turn it over, yield to Mr. HODES.

Mr. HODES. Well, I thank my friend from Connecticut and my friend from Pennsylvania for being here. You know, I'm on the something side of 30, but we are all new Members here tonight. And we came here, in large part, because the American people are way ahead of the politicians in this country. And the American people have had it with this exercise in Iraq. In overwhelming numbers, they, in their wisdom, have had it, and they spoke loud and clear to that in November of this year and that, in large part, is why we, and many of our colleagues, are now privileged to serve in the House of Representatives.

And what we have done today in passing the Iraq accountability bill is truly historic. And it started here in the House; it went to the Senate through the wisdom of our founders. There was a conference of House and Senate leaders. The bill came back here in slightly altered form. And now, as we sit here tonight, speaking about this bill, it's on its way to the desk of the President of the United States. And the President of the United States has a choice to make about the direction of this country. He, now, has a choice to make. He has a choice to make about supporting the troops. He has a choice to make about holding the Iraqis accountable, as he said he was going to do. He has a choice to make about supporting our veterans. He has a choice to make about supporting our wounded, whose care has been a disgrace, as many of us have seen. The President of the United States has these choices to make.

Now, we have had a lot of rhetoric in the chamber today, and our colleagues on the other side of the aisle called this shameful. They accused us of weakening America. They essentially questioned our patriotism. They said we didn't support the troops, and that is poppycock. It's disinformation. It's not true.

We all, whether we are Democrats or Republicans, and I know this is true of the people in this country, care deeply about this country. And what we want to see is an America with real strength that is protecting the real security of the American people, and that is leading the world, as we once did, as the most credible of nations, as the nation which, in World War II, stood up to lead the fight against fascism, and then had the courage to put Nazis on public trial in the Nuremberg war trials because we were strong enough to have a transparent due process system. We weren't afraid. And we shouldn't be afraid in resolving this conflict in Iraq, in acting with the real strength that means real security.

Now, our brave troops have done everything that we've asked of them. They fought through an invasion, and after that, it was an ill advised invasion, but then, through the incompetence and mismanagement of this administration, they have been left in the quagmire of a civil war.

And I want to turn now to the words of somebody with far more military experience than me, to talk about the effect of what we have done here in the Congress tonight. Major General John Batiste, United States Army Retired, said, this important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the Nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military, alone, will never establish representative government in Iraq. And Major General John Batiste said, the administration got it terribly wrong. And I applaud our Congress for stepping up to their constitutional responsibilities because this Congress, as Major General John Batiste has recognized, unlike the rubber stamp Congresses that have preceded us for years now, is finally the accountability Congress. We are holding our government accountable by passing the Iraq accountability act, which forces the Iraqi government to take responsibility for their own stability.

We are into the fifth year of this war. Hundreds of billions of dollars, and still, no progress on reforming the Constitution.

What about reconciliation? What about all the ministries in the Iraqi government fighting amongst themselves? What about the Sunni/Shia divide that al-Maliki does not seem to want to face and deal with? The Sunnis and Shiites killing each other, and our troops in the middle of it.

So we hold our government accountable to our troops, to our returning soldiers and our veterans. This accountability Congress has held oversight hearings to investigate government mismanagement and corruption in Iraq. We found, for instance, in oversight hearings, that this administration shipped $12 billion of cash over to Iraq without accounting for it, and gave it away to Iraqi ministries to use as they would, without ever asking for a single shred of accounting. No paper trail, no nothing. We're restoring accountability to contracting, ending the massive waste caused by no bid contracts.

And the contractors in Iraq, just so we are clear, on this, we now know that, in addition to the 150,000 troops, give or take, currently in Iraq, there are 126,000 private contractors. And as John Murtha so eloquently talked about the floor tonight, we've got a situation where our brave soldiers are standing there, they are making $25,000 a year, let's say they are pumping gas and doing some security details. And next to them there's a private contractor making $80,000 a year doing the same job. Some of these private contractors, we heard, are making $300,000 a year. That's more than any government official in the United States government. And you want to know where our billions and billions of dollars have gone.

So we're restoring some accountability to government with the Iraq Accountability Act tonight. We're restoring openness and transparency to government, to repair the fabric of our democracy that has been undermined in the course of this administration.

So this President does have a choice to make tonight. And I think of the

words of Zbigniew Brzinski, the former National Security Adviser, who called this war an increasingly immoral, futile exercise in presidential hubris, because, my friends, I'm sorry to say that the President of the United States has said that he's going to veto what Congress has passed. He is going to essentially turn his back on the will of the American people. He's going to go against the advice of retired generals in droves who've come out to talk about the reality. And I believe the American people are going to be disappointed in that veto because they want a new direction in Iraq. And that is the course we have set tonight. I'll kick it back now to Mr. MURPHY.

Mr. MURPHY of Connecticut. Well, thank you very much, Mr. HODES. The three of us are new Members. We came here on that tidal wave of increasing popular angst against this war. And this place shouldn't be dictated just by what happens in elections, but elections have to mean something. When the people get a chance to go out there every 2 years and weigh in on the direction of their Federal Government, they have to feel, at some level, like what they say matters.

□ 2245

And, Mr. HODES, I mean you are right. When they pick up the paper whatever day it is going to be when he actually vetoes this, the feeling inside, that voter who thought they went out and cast a courageous vote for Mr. ALTMIRE or Mr. HODES or Mr. MURPHY who decided to make a change when it doesn't happen very often that you have a change like this, maybe once every decade or every two decades, well, they are going to lose just a little bit of faith in this process. And every day that we continue to have an administration that refuses to honor where the American people want the course of this war to go, which, as we have said over and over again, it is not just the American people but it is the American people being backed up by generals, being backed up by the foreign policy community, the Iraq Study Group, there is a little piece of democracy that dies every day that that happens.

Let me just bring up an additional topic here. When I got out into Baghdad on the day that we were in Baghdad, what we saw was the escalation in progress. What the escalation essentially is, is it is asking these soldiers who are on their second or third tour of duty over there, who would normally do 12-hour shifts patrolling these incredibly dangerous streets, trying to dodge sniper fire, trying to keep clear of the increasing number of IEDs, roadside bombs, now those troops, after the 12-hour shift, aren't going back to safe barracks; they are lodging themselves in the neighborhoods, in some of the most dangerous, war-torn neighborhoods of Baghdad. They are living in bombed-out buildings with little or no electricity or running water, in squalid conditions. That is what the escalation is.

Now, if this was a fresh round of troops, if this was a group of young men and women who were there for the first time, maybe you could understand putting them in that position. But that is not what this is. Twenty-three percent of all the troops who are being deployed right now are National Guard and Reserve troops. Eighty-eight percent of those National Guard and Reserve troops are so poorly equipped that they are rated not ready right now. That is from the Washington Post, about a month back.

We know that the number of Active Duty and Reserve brigades in the United States that are considered combat-ready, zero. None of them. We have maxed out our military. We have asked, Mr. HODES, as you said, our men and women to do everything we have asked them to do, and we have got to start asking ourselves the question, have we asked them to do too much?

One day they are in the middle of a firefight. The next day they are sitting down and trying to mediate a dispute between two rival neighborhood groups. The day after that they are overseeing the construction of a water filtration plant. They are, within a 3-day period, being asked to be fighters, diplomats, and civil engineers.

Having gotten to spend a couple days on the ground with these folks, they are by all measure the best people that we could send over there, the bravest, the most capable. If there is anyone in this world that could do this job, I know it is them. I knew it intuitively from back here in the United States. Having spent a few days on the ground, you know it from the moment you talk to them. But we have maxed them out.

And why I try to get here as often as I can to hear Mr. MURTHA speak here on the floor is because there is no better in talking about this subject than Mr. MURTHA. He said it here tonight: There is no one more in touch with the troops than he is. And our danger is not just in asking them something they may not be able to do, but permanently damaging the capability of this military going forward.

Mr. HODES. Madam Speaker, the interesting thing about what this bill does, I mean the reality of what it does, is it gives this President an opportunity, it gives him a fabulous opportunity, to face reality, as a leader should, and understand that he is being given the opportunity for a new direction, for a new direction that is tough and smart, and smart about our security, because it is designed to make sure that our interests in the Middle East are taken care of in a responsible way. The American people know that. They want us to be responsible in the way we resolve the situation in Iraq.

Major General Paul Eaton addressed the notion of why this is so responsible when he said, ''This bill gives General Petraeus great leverage for moving the Iraqi Government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister al-Maliki and the elected Government of Iraq.'' Because it gives the general, it gives the President, the leverage to say, folks, it is time that you stepped up, to say to Prime Minister al-Maliki it is time you stepped up. Are you serious about reconciliation? Are you serious about the political stability that Iraq needs? Are you serious about the economic stability Iraq needs? Are you serious about it, or are you just waiting because we are going to be there forever? Because right now, the President has made an open-ended commitment, and this bill responsibly puts an end to that open-ended commitment.

Now, the folks on the other side of the aisle have said, time and time again, that this somehow weakens us because it gives notice to our enemy, whoever that may be. They say it is al Qaeda. We are in the middle of a civil war. There is some al Qaeda there to be sure. What Major General Paul Eaton said is, ''The argument that this bill aids the enemy is simply not mature. Nobody on the Earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.''

Because we have got to ask, where are the diplomats? Where are the diplomats? There are some provincial reconciliation teams on the ground, working around the country and they are talking about more. But where have been the diplomats? Where has been the diplomatic effort that everybody acknowledges is really what is necessary to bring some stability in the Middle East?

Why did it take Speaker PELOSI to go to Syria to begin some dialogue? Because everybody recognizes that we have got to talk to people, even those who are our enemies in this complex world in the 21st century.

So this bill gives the President, it gives the generals, the leverage to forge a new direction.

Mr. MURPHY of Connecticut. Madam Speaker, I want to yield to Mr. ALTMIRE in a second.

But let me just underscore this to say none of us are happy to be in this situation. Myself, I think that this is the best course. I think that we need to set in law a sense of when our commitment is going to end there. The only way we will finally complete the training of our military and our Armed Forces within the Iraqi community is to give them a sense of when they will have to stand up for themselves.

Now, at the same time, there is no perfect option. In fact, there may be no good option here. We all have to admit at some level, Republicans and Democrats, that we have gotten ourselves into a mess here that there is no pretty way out of. And that is part of what government hasn't been pretty good about talking about. This administration, it is all about black and white to

them. It is good or evil. It is right or wrong.

There is a lot of gray, and we created most of that gray by being the bull in the china shop there. But what we put forward today, what the majority of this caucus supported this afternoon and this evening is not the perfect, and it is probably not even the good, but it is the best that we can do in a very bad situation. And it is certainly the best that we can do by the brave men and women who are fighting.

So as proud as we are, I think, Mr. HODES and Mr. ALTMIRE, standing up today and finally getting our head out of the sand and putting some direction in what has been a directionless conflict, at the same time it is a sobering day because we all admit, especially as new Members who didn't participate in the lead-up to this very troubling time, that getting ourselves out of it isn't going to be an easy process and it is not going to be a very brief process.

With that, I will turn it over to Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Connecticut for yielding.

I want to talk about what these charts mean that the gentleman from New Hampshire is holding up next to where he is speaking. These are examples of generals, people who have seen firsthand what is happening on the ground in Afghanistan, people with the utmost military experience, who have said clearly, without ambiguity, that the President's course of action is wrong. And the course of action that we took today here in this House is endorsed by these generals. And this is a further example of the President's not listening to anybody but himself and his very, very close circle of advisers, any of whom, if they differ from him, find themselves reassigned or out on the street. And for some reason, the President doesn't listen to his generals. He doesn't listen to the Iraq Study Group.

You will recall, and I would like to remind my colleagues, that he said, when the Iraq Study Group formed and was going about their business of studying this situation and coming up with their report, that he was going to pay attention to what they said and take some of their advice. Well, unfortunately, the report came out and was promptly discarded by the administration, and they did nothing about what was in the Iraq Study Group.

Now, some of the things that were talked about that we should engage in diplomacy with countries like Iran and Syria, we know where the President stands on that. He is not going to change with that. The Iraq Study Group recommended that we do set a timeline on our activities to increase our leverage with the Iraqi Government, as I talked about earlier. But the President chose to discard that. He chose to discard what his generals on the ground said. Those that disagreed were reassigned, and some of them now, as Mr. HODES has pointed out, are saying that what we are doing is the right course of action. But what is most important and what is most relevant for what we did today in this House, the President is ignoring the American people.

We have all seen the polls about where the American public feels about this. But we shouldn't legislate by polls; we should legislate based on we are elected Representatives of the American people. There are 435 districts in this House, each of whom has a voice, and it is our responsibility as Representatives to go back into our districts, listen to what our constituents have to say on these issues of critical importance, return here on a day like today, debate the issue the entire day, come back at 11 o'clock at night and we are still debating the issue. But we took a vote and we had to put it on the line, yes or no, where do you come down on this issue? The Congress has spoken. At least the House has spoken. The Senate is going to speak in the next day or two.

And I want to make one thing clear. Let there be there be no discussion about this. If the Senate passes the conference report, which we expect, and sends this bill to the President, as Mr. HODES said, he has a decision to make. He can either sign that bill and provide the troops the funding that they need to continue the mission, or veto the bill and deny them the support that they need. That is his choice. The Congress has spoken on that.

So when any Member of this House has one of their constituents come up to them and say, well, when are you going to give our troops the money that they need to continue this fight? Well, we did it today. The answer to that question is we did it today. The Senate is going to do it tomorrow, perhaps the following day.

Then the President has a decision to make. And if he chooses to veto that bill, the troops' funding will be delayed. But that won't be because of us. That will be because of a decision that was made down the street at 1600 Pennsylvania Avenue.

Mr. MURPHY of Connecticut. Madam Speaker, reclaiming my time, I want to make sure everybody knows that there are no hard lines in the sand in this House. And, in fact, the bill that we voted on today is different from the bill that we voted on about 2 weeks ago. In fact, what this House voted on, and what many Members insisted upon several weeks ago, was a hard deadline in the sand that said that we had to be out of Iraq by next spring or, at the latest, next fall. And many of us stood up and said, for the reasons we talked about tonight, that in order to get the Iraqis to finally stand up for themselves, we have got to give them that sense.

The bill that we voted on today in an effort to bring the President to the table, to get him to sign a bill that puts every dollar he asked for, and, more for troops and veterans was a goal. It was a goal. Now, there are a lot of us who wanted to see more than a goal. All of this is an effort in compromise. But that goal even is apparently objectionable to this President. And I have a feeling that this House will move again and will try to come up with yet another means of resetting our policy and our course in Iraq that is acceptable to this President.

□ 2300

So if anybody has any idea out there that the House of Representatives is just saying X and the President is just saying Y, no, we're trying to make that effort. And you know what? People are going to look in the paper this morning and see a vote that has a lot of Democrats voting for it and a lot of Republicans voting against it. Lest they think that that's been the case day in and day out here, in fact, it's been the exception to the rule in how we have conducted ourselves in this House. The 100 hours agenda, making changes on our economic policy, our health care policy, our national security policy, our homeland security policy had record numbers of Republicans. We stood together and we have stood together on everything from the minimum wage to stem cell research to even the budget.

So we have made great progress, I think, in this House on bringing back together some of that partisan divide. Lest people look up at the vote that we took tonight and think that we didn't honor our pledge to really start to bring that back together, I think we have in large part.

And I think that's important to say because I know, Mr. HODES, that as important as it is to the new Members to get Iraq right, to get health care right, to get energy right, it's also really important for us to start bridging some of the gaps here. And it pains us when these things do hit party lines, but on something as important as Iraq, the vote is what the vote is. And we'll get back to building those bridges as soon as we get beyond it.

Mr. HODES. I thank the gentleman.

You know, I was hopeful that we could bring both sides of this House together on this bill because our goal is a common goal, to achieve real strength and real security for America.

We all honor our troops. We have a difference in opinion, apparently along party lines primarily, about how best to achieve that. Our friends on the other side of the aisle, and the President, apparently, think that an open-ended commitment and putting more troops into a city of 7 million people into a civil war is the way to do it. We believe that there is a smarter way to help the Iraqis step up and to achieve that security.

Let me just talk briefly about what this bill does, because it really does three important things. First, it adopts the military's own guidelines for troop readiness, training and equipment. We've been sending our soldiers without the right equipment, without adequate training, and without enough

rest between deployments. They're stretched. They've been deployed two times, three times, four times. The length of their deployments have been stretched. And we've adopted the military's own guidelines to say that before troops are sent to Iraq they must be properly equipped, they've got to be trained, they've got to be ready to go.

I can't understand why the President would veto a bill that adopts the military's own guidelines for troop readiness. Because by his veto, he will therefore be rejecting the military's guidelines for troop readiness. He will be saying to the American people, I am perfectly satisfied with sending troops that aren't ready into combat.

The second thing this does is it fully funds the troops, as we have said. In fact, it provides $4 billion more than the President asked directly to the troops. So if he vetoes the bill, he will essentially be saying I'm vetoing, I'm rejecting funding for our troops. I am rejecting the funding that he asked for. I don't understand how he will do that, but that's what his veto will mean.

And finally, we provide a responsible way to redeploy that actually answers the concerns that people had about flexibility for our military commanders on the ground. Because what we do is we set a date based on benchmarks for the Iraqis that the President himself set out in a January 10 speech for the beginning of a strategic redeployment, and we give the military commanders the flexibility on the other end to reach the target goals. So if the President vetoes his own announced benchmarks for the Iraqis, I just don't understand it because he will be vetoing what he said in a speech to the American people on January 10 as his idea about what the Iraqis ought to be doing for themselves. He set the benchmarks, and now he said that he intends to veto his own benchmarks. It's beyond me to understand why he's going to veto what he said he wants to do.

If I can just go on for one more moment. I want to talk about some of the other money in this bill because this is really important. People have complained, I've heard it at home, about what they think is excess domestic spending in this bill. But here's what this bill does in terms of funding that is related to supporting our troops.

This bill provides $3 billion more for mine-resistant ambush-protected vehicles for troops in Iraq.

Mr. MURPHY of Connecticut. That doesn't sound like pork.

Mr. HODES. That's not pork. This bill provides $2 billion more for a Strategic Reserve Readiness Fund to meet the troops' readiness needs.

Mr. MURPHY of Connecticut. That doesn't sound like pork either.

Mr. HODES. That's not pork either.

It provides $1.1 billion more for needed military housing. Does that sound like pork?

Mr. MURPHY of Connecticut. That doesn't sound like pork to me, Mr. HODES.

Mr. HODES. The bill honors our returning veterans by providing $2.1 billion more for military health care than the President requested, including $900 million for post traumatic stress disorder and traumatic brain injury care and research, and $661 million to prevent health care fee increases for our troops. Because what they are now facing under this President's policies is getting sent off to war to fight for their country and coming home to find that their health insurance costs more, that the military health system is too overloaded to take care of them, and that the veterans' system has been overloaded beyond capacity.

Now, if the President vetoes these increases for the veterans and wounded warriors that his policies have created, it will be something that I don't understand and I don't think the American people are going to understand. And so he has a challenge in front of him. He has a challenge and a choice to make. And maybe between now and when this bill hits his desk, he will have one of those moments on the road to Damascus and decide that he will face the reality and do right by our troops, do right by the American people, do right by this country and set a new direction in Iraq.

I will kick it back to you, Mr. MURPHY.

Mr. MURPHY of Connecticut. We've got a few minutes left, so I'm going to throw it over for some closing remarks to Mr. ALTMIRE.

Mr. ALTMIRE. I wanted to change the subject here just momentarily here, if I could, here at the end and just mention something, because unfortunately, since we're not in session on Monday due to the unfortunate funeral that many of our colleagues are going to be attending for one of our colleagues, I wanted to mention the fact that Monday is going to be Paul Hayes, the House reading Clerk's last day. Paul has been here for 20 years, and to many viewers around the country of C–SPAN, he is the voice of the House of Representatives. I was going to do a 1 minute on Monday, but I will just do it today because we're not going to be in session on Monday and just say what an honor it has been for me, Paul, to be able to spend a few months as a Member with you here.

I was a staffer, as Mr. MURPHY knows, on Capitol Hill for 6 years in the early 1990s, and we used to watch Paul Hayes at work. And it has just been a great experience for me to come back as a Member of Congress and briefly be able to, for about 4 months, to be able to serve and work with you, Paul. So I just wanted to say congratulations, and we wish you all the best.

Mr. MURPHY of Connecticut. Well, it pains me to admit that I spent far too much of my life watching this House from a distance. And so I share those thoughts and I am so glad Mr. ALTMIRE would bring that up on this day.

With that, before we end our hour, we're going to allow our honored guest, who we hope is joining us for the first of many visits with the 30-Somethings.

As our veteran Members abandon us, our new Members step up. And Mr. HODES, if you might inform folks how they might find us via e-mail and via the Web.

Mr. HODES. Well, as I said at the beginning of the hour, Mr. MURPHY and Mr. ALTMIRE, I'm on the ''something'' side of 30, but I am glad to be with you because I am hoping that we, together, have brought an energy to this Congress that really has set a new tone and will help us set a new direction for this country, not just on the war on Iraq, but on health care, on energy, on education and all the policies that the American people want us to get to work on and we've been working hard on.

Before we go, I do want to say that Speaker PELOSI's 30-Something Working Group can be e-mailed at 30somethingdems@mail.house.gov. The 30-Somethings, whom I am now a proud guest, being on the something side, can be visited, and here is the Web site address on this chart, www.speaker.gov/30something/index.html.

So I invite everybody who has been working tonight to visit the 30-Something Web site for information on what the agenda for America is that Democrats have been working on. And I thank you for the opportunity to be with you.

Mr. MURPHY of Connecticut. Thank you very much. I thank the Speaker for giving us this opportunity once again.

THE FUTURE OF MEDICINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 50 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the House tonight to talk about something that isn't number one or number two or perhaps even number three on the list of things that people are concerned about, it is number four, it is health care, health care in our country that is provided by the private sector, that is provided by the public or the government sector. It is a debate that we will be hearing a lot more about as we get deeper into a year that's going to be consumed by presidential politics.

Right now in our country we have an amalgam, if you will, of health care, part paid by the government, part paid by the private sector. I am oversimplifying for the purposes of debate, but the public or government sector, in pure dollar amounts, accounts for about 50 percent of the health care expenditures in this country. The private is sector insures about 160 million Americans, and that is roughly 50 percent of the lives covered by private insurance in this country. And we will have the debate, as the presidential

year unfolds, more government, more private sector. But tonight, what I really want to do is focus on the physician workforce, the physician workforce that we have now and the physician workforce that we might expect to have in the future.

Alan Greenspan, about a year and a half ago, right as his last days at the Fed were winding down came and talked to a group of us one morning, and inevitably the question came up about Medicare. In fact, we saw the trustee's report yesterday; everyone is concerned about the funding for Medicare, the future obligation that is there in Medicare. And Mr. GREENspan was pretty circumspect, he said, ''At some point I expect the Congress to deal with the problem of funding.'' And then he went on to say, ''What concerns me more is will there be anyone there to provide the services when you want them?'' That really struck a cord with me. And in fact last month, the month of March, back in my home State of Texas my Texas Medical Association puts out a periodical every month called ''Texas Medicine,'' and the cover story was in fact dedicated just to that concept, ''Running Out of Doctors.'' And the thrust of the article is how do we keep the medical students that we graduate from Texas schools, how do we keep them practicing in Texas, particularly in the high-need areas in Texas? And concentrating on the physician workforce is what I want to do during this discussion, in the time that I have available for the discussion this evening.

My perspective, of course, 30 years ago I graduated from medical school in Houston, Texas, so I do have the perspective of looking back over the last 30 years. But I also want us to look over the horizon to the next 30 years. What about the young man or woman who is graduating from medical school this year, what kind of world do they want to find themselves practicing in? What type of practice environment do they want to see that we have laid out for them 30 years from now? It is going to be important that we take the correct steps today in order to provide the correct practice environment 30 years from now.

Since we're talking about the physician workforce, the part that the government pays for is paramount, that is critical. And really the thing that I want to focus on of that government sector is the pricing and the payment schedule in the Medicare program itself.

□ 2315

Medicare, a good program, just celebrated its 41st or 42nd birthday. We had the second anniversary of the prescription drug benefit part D, which in my first year here we passed in 2003 and was added on in the year 2006.

Medicare is an integrated program. Part A is the hospital, part B is the doctor's care, part C is the Medicare, what is now called the Medicare Advantage Plans or the HMOs, and part D is the prescription drugs. But while it is an integrated program, the funding for Medicare actually exists in funding silos.

If we look at the comparative payment updates from the year 2002 to projected 2007, you see that there is something wrong with this picture. And what is wrong with the picture is that physician reimbursement in part B is significantly lagging behind the payment updates for the Medicare Advantage Plan's hospitals and nursing homes are shown on this graph. And there is a reason for that. It is really not a very difficult reason: Medicare Advantage Plan's hospitals and nursing homes receive every year essentially a cost-of-living update. It is a market-basket update that they receive based on the cost of inputs from the previous year. CMS has actuaries that go back and figure this out: What did it cost the hospitals to provide the care that they delivered to our seniors?

Part B is calculated differently. Part B is what is described as a volumetric formula. It weights volume and intensity. But basically you have a fixed amount of money, a finite pie, that if more and more people are submitting claims, the slices get progressively smaller. And in 2002, you can see there was a big drop. The reason 2003, 2004, 2005 are not a downward projection is because in fact at the last minute, Congress swept in and said we are going to do something to prevent this from happening. And, in fact, doctors got a modest update in 2003, 2004, 2005. 2006 doesn't really show up because that was a zero percent update.

Now, Madam Speaker, I have not been in Washington all that long, but I have learned some of the parlance and the lexicon that we use here. And in any other Federal program or any other federally funded program, if you are held to a level funding or a zero percent update for that year, anyone else would regard that as a cut. But we told the doctors that was great, you are going to get a zero update for that year and you will be happy for it.

Projected for 2007, if we don't do something, is going to be a substantial decrease. Once again, we may very well ride in at the last minute and do something to blunt the effect of that; but year in and year out, this problem continues; and the real insidious part of this is the dollars to fix the problem get higher and higher every year.

Last year I introduced a bill to just simply do away with the SGR and replace the SGR with a market-basket update. It is called the Medicare Economic Index. And it is not my idea; a group called MedPac, a Medicare Payment Advisory Commission, worked this out in actuarial fashion some years ago. And the Medicare Economic Index would in fact provide a 2 to 2½ percent update for most years based on the cost of input for the physicians providing the services to the patient.

The cost last year scored by the Congressional Budget Office of replacing the SGR formula with the Medicare Economic Index was $218 billion. Clearly, that is a lot of money, and it disrupts any budget that either party might put up there. So, as a consequence, I didn't get a lot of activity on that bill last year. It is still important to do. And every year that we delay doing something, and even those years that we come in and it looks like we fixed it a little bit, we actually just compound the problem and make it worse in subsequent years.

So in just very general terms for this evening's talk, we have got a lot of people who are going to be joining the Medicare generation. As the baby boomers age and retire, the demand for services is going to go nowhere but up. And if the physician workforce trends continue as they are today, we may be not talking about funding a Medicare program, we may be talking about there is no one there to take care of the seniors.

In my home State of Texas, the number of physicians between 1995 and 2005 increased by 46 percent or nearly 5,000. Okay, that is good, it went up. However, the State is still below the national average, the national average being 230 physicians per 100,000 population. In Texas the ratio, even with the increase, is 186 to 100,000 residents.

The American Academy of Family Physicians predicts serious shortages of primary care doctors in five States, including Texas, and says that all States will have some level of family physician shortage by the year 2020. The Council on Graduate Medical Education, a congressionally authorized entity, estimates that after 2010, growth in the physician workforce will slow substantially; and after 2015, the rate of population growth will exceed the rate of growth for the number of doctors. In other words, we won't be keeping up anymore. At the same time, the demand is only going to increase year over year, resulting in critical shortages, particularly in primary care, but the reality is all specialties may well be affected.

So my thesis, my proposition, is that Congress needs to approach this sort of as a three-pronged attack or a three-pronged solution to mitigate this shortage for the future, to improve payments to current doctors, keep them in practice longer, improve Federal assistance to medical students, encourage students to go into high-need specialties, and increase the number of residency training programs, particularly in rural and suburban areas, and keep the physician pipeline open.

To do that, I am going to be next week introducing three bills to deal with those three areas. The first, to insure the physician workforce, really deals with the Medicare funding and the SGR. You talk to doctors my age, those who graduated from medical schools 30 years ago, and their concerns are really consistent. They are concerned about the liability environment, which is not part of tonight's

discussion but one that we certainly need to have and I hope we do have in this Congress this year. Their concern is the year-over-year reduction in payment that the Center for Medicare and Medicaid Services comes up with for physician reimbursement. And it is not just a question of doctors wanting to make more money; it turns to be a real patient access problem, because there is not a week that goes by that I don't get a letter or fax from someone who says, you know what, I have just had enough and I am going to retire early, I am no longer going to see Medicare patients in my practice, or I am going to restrict the procedures that I offer Medicare patients.

Unfortunately, I know that is happening because I saw it in the hospital environment before I left the practice of medicine to come to Congress. But I also hear it in virtually every town hall that I do back in my district. Someone will raise their hand and say, How come on Medicare, you turn 65 and you have got to change doctors? And the answer is, because their doctor found it no longer economically viable to continue to see Medicare patients because they weren't able to pay the cost of delivering the care, let alone making any money on top of it. They weren't able to cover the cost of providing the care.

So in the bill to address that, the bill that I introduced last year, again, just simply repealed the SGR outright. The difficulty that I had with that was, again, just the cost was too high. But if we do that over time, perhaps we can bring that cost down to a level where it is manageable.

Getting the payment policy right in Medicare is going to be the first order of business for preserving the physician workforce. Paying physicians fairly will extend the careers of many physicians who are now in practice who would otherwise opt out of the Medicare program, seek early retirement, or restrict those procedures that they offer to their Medicare patients.

It also has the effect of insuring an adequate network of doctors available to older Americans as this country makes the transition to the physician workforce of the future.

In the bill, the SGR formula, this volume-based formula would be repealed in 2010, 2 years from now, but also provide incentive payments based on quality reporting and technology improvements to protect the practicing physician against that 5 percent cut that is likely to happen in 2008 and 2009. That would be voluntary. No one would be required to participate in the quality program or the technology improvement, but it would be available to those doctors or practices who wanted to offset the proposed cuts that will occur in physician reimbursement in the 2 years until the formal repeal of the SGR happens.

Now, why do it that way? Why not just bite the bullet and let's go ahead and get the SGR out of the way and get it repealed? Remember, it costs a tremendous amount of money to do that. Another problem that we have in Congress is we are required to submit all legislation to the Congressional Budget Office to find out how much it costs. If we are going to be spending the taxpayers' money, how much are we going to spend? Over what time will we spend it?

So that is not unreasonable, but because of the constraints of the Congressional Budget Office, we are not allowed to do dynamic scoring. We all knew, for example, when we began the prescription drug benefit 2 years ago, that if you deliver medications in a timely fashion, the timely treatment of disease, you are going to get better patient outcomes. And, in fact, that is what the trustee's report for Medicare that was released yesterday, although it still shows that we have got a big problem in paying for Medicare, the actual outlays for Medicare were down. And the reason they were down, I suspect, is a compendium of things; but part of it is treating disease in a timely fashion, not always catching it at the end stage but treating it at the beginning, you are going to end up with more functional individuals, to be sure, so they are going to continue to be productive in society. But the overall cost of Medicare is going to go down.

Unfortunately, we can't do that look-ahead with the Congressional Budget Office and say, you know, I think if we do this, we are going to save some money. So give me credit for that against that SGR score that you always rate my bill with. They won't and they can't do that.

So by postponing the repeal of the SGR by 2 years' time, taking the savings that occurs during that time and applying it to the SGR formula, actually may give us a number that is doable as far as releasing the SGR and replacing it with the Medicare Economic Index.

One of the main thrusts of this bill is to require the Center for Medicare and Medicare Services to look at their top 10 conditions that drive the highest percentage of payments in Medicare part B, and require CMS to adopt reporting measures relating to these conditions that have already been developed. It is not reinventing the wheel. The AMA Physician Consortium has already developed those reporting measures that drive that spending so high.

You know, the old famous bank robber Willie Sutton when he was asked why do you rob the bank, he said that is because that is where the money is. Let's go to those top 10 things where the greatest amount of money is spent, because that is where the greatest amount of savings can occur. If we can deliver care in a more timely fashion and if we can improve outcomes, we are actually going to spend less. And by focusing on those top 10 programs, at least initially, that will be the greatest return on investment for CMS and ultimately will be the greatest return on investment for retiring the SGR.

The same considerations may apply to the Medicaid program as well, so it will be a very useful exercise to go through that and identify those top 10 conditions. And where cost savings may be most easily gathered, not only will it have an improving effect on Medicare, but I suspect on Medicaid as well. We are going to establish quality measures focusing on these core conditions, and that is where the add-on payment for those 2 years, that is where half of it will come from. A 2½ percent update for those physicians who do voluntarily report quality measures on those top 10 conditions, that is where the protection from the continuation of the SGR for 2 years, that is where that protection will derive from.

We are going to report back to doctors on what their volume and intensity is. This information will not be made generally public, but it will be made available to the individual physician so they can see how they are doing, how they are doing relative to other doctors in their practice, other doctors in their community, other doctors around the country.

But the important point here is these are voluntary measures that will protect the physicians from the cuts that are inevitably going to occur as a result of the SGR program until the SGR can actually be repealed.

□ 2330

But, physicians can opt to take advantage of the bonuses, and it is going to return some value back to their businesses and return value to the taxpayer. Again, there may be an unintended benefit for the parallel Federal program to cover poor Americans under the Medicaid program if some of these programs deliver the benefit back that it is anticipated that they will.

The quality measures are going to be built around these high-cost conditions, and strive to improve the quality of care not only for those conditions and patients, but to drive down the cost of delivering Medicare.

There is also going to be a provision in the bill to help physicians' offices to bring their information technology, their infrastructure, hardware and software, bring it up to a standard where it will begin to derive benefit to not only the patient and the practice but to the Medicare system in general.

The percentage add-on payment is proposed to be 2½ percent, so those two bonus payments in aggregate would be 5 percent. And again, that is designed to be a protection against what are the anticipated reductions in payments that would occur in 2008 and 2009.

The provision will also create a safe harbor that will allow clinics, physicians' offices, and hospitals to share health information technology platforms, and the standards will be established and available to physicians' practices so they will understand how they need to comply with this. The

standards must be established no later than January 1, 2008.

Madam Speaker, I wasn't always a big proponent of things like electronic records. I wasn't sure if it would deliver the payoff that people said it would. But here is a picture of the medical records department in Charity Hospital in New Orleans. This picture was made in January 2006, about 4 or 5 months after Hurricane Katrina and the downtown flooding that occurred. It is the medical records room. These records are ruined. You can see, this is not smoke or soot damage, this is black mold that is growing on the records. You look there and it almost goes on to infinity, tens of thousands, hundred of thousands of records that were active, ongoing charts of people's medical conditions absolutely now unavailable. No one is going to get into that medical records department and risk inhaling the spores from the mold that is covering those charts.

This is the kind of problem that you can get into with a paper medical record. Of course the youngsters of today, the college students of today, the young physicians of today, they understand this very well. They are all connected and wired in. They would no more imagine turning in or doing a paper for one of their classes where they just had a single copy, a single paper copy, the old adage ''the dog ate my homework,'' most students will have a paper on a disk, on a flash drive and readily accessible and retrievable in many forms. We should do no less with our medical records.

But it costs money to do this. It is going to require a push for the private sector. I prefer to think as a bonus payment as being an inducement, an enticement for physician's offices to participate in this type of program. But it is also just good medicine. It is good patient care.

We all heard about the troubles at Walter Reed Hospital a few months ago. I went out to Walter Reed probably the week after the story broke in the Washington Post and talked to this young man who took me around Building 18. Yes, there was some concern. It was a crummy building. But his biggest concern was spending hours and hours with his medical record, his service record, going through the various parts of that and highlighting things. He had a yellow marker, a highlighter, highlighting parts of his medical record because this is how he was going to establish the benefits that he was going to receive in the VA system for his disability.

He said I can spend 20 man-hours putting this medical record together and it ends up on someone's desk and it doesn't get picked up, and then no one can find it and I have to start all over again. That was his main message to me that day.

Now the VA system has been indeed very forward-thinking in its embrace of electronic medical records and its investment in information technology. The problem is the medical records from the Department of Defense and the Department of Veterans Affairs do not possess the interoperability necessary to make this type of activity unnecessary.

So clearly delivering value to the patient, particularly a patient in that situation, is of paramount importance. And it is my contention that if we do make the bonus payment generally available to physicians, this will be something that they will embrace. There is a learning curve, to be sure. It is going to slow people down a little bit initially. But ultimately, the rapidity of the system will be impressive. And even in a smaller physician's office the ability, just think, never having to wait while they find your medical record because somebody didn't put it back in the right place. I know it happened in my medical practice, and I suspect it happens in offices across the country on a regular basis. If nothing else, you will save that time and embarrassment of not being able to locate a patient's record.

One of the problems last year when we dealt with trying to provide the health information technology bill that we passed here in the House and were never able to come to agreement with the Senate, part of the difficulty was being able to have the hospital and the clinic and the physician, there may need to be some relaxation in what are called the star clause to allow safe harbors so that these conditions can be met.

But the reality is that once people become used to this technology will embrace it. The other unintended consequence, the other unintended benefit of this is the rapidity with which the system can learn. When I say the system, the entire health care system because wouldn't it be nice to know which treatments deliver on the promise of getting people better faster at a lower cost. Wouldn't it be great to have that information and know what treatments were effective and what treatments were only marginal? That information can be literally at a physician's fingertips with the right type of computer architecture and technology environment. I believe the time has come that we do need to embrace that.

So the bill will include a Federal incentive to implement health information technology along with provisions providing safe harbors for the sharing of software, technical assistance and hardware, as well as the creation of consortiums.

Now, it is not just about physicians my age, because we have got to also concentrate on helping the younger doctors with residency programs. The funny thing about doctors is we to have a lot of inertia. A lot of us tend to practice very close to where we did our training. So the idea to get more training programs in areas that are underserved, rural areas, inner city areas, to get more training areas where the doctors themselves are actually needed.

So the second bill or the second prong of this three-pronged approach would be to develop a program that would permit hospitals that do not traditionally operate a residency training program, allow them the opportunity to start a residency training program to build the physician workforce of the future.

This bill would create a loan fund available to hospitals to create residency training programs where none has operated in the past. The programs would require full accreditation and generally be focused in rural, suburban, inner urban or frontier community hospitals.

On average, it costs $100,000 a year to train a resident and that cost for a smaller hospital can be prohibitive. The other issue is in 1997 the Congress passed what was called the balanced budget amendment and within that there is a residency cap that also limits resources to nontraditional residency hospitals such as smaller community hospitals. For the purposes of this bill, the loan amount to any institution would not exceed $1 million, and the loan itself would constitute start-up funding for a new residency program. And the start-up money is essential. Since Medicare graduate medical education funding can be obtained only once a residency program is firmly established, the cost to start a training program for a smaller, more rural or suburban hospital can be cost prohibitive because these hospitals operate on much narrower margins.

The overall bill would authorize a total of $25 million to be available over 10 years. The fund, of course, would be replenished because these are constructed as loans and the Health Resources Service Administration may make the loans available to new loan applicants or extend loans to increase the number of residency slots available at existing programs or a loan to continue newly established residency programs to hospitals that have been approved.

To be eligible, a hospital must demonstrate that they currently do not operate a residency training program, have not operated a residency training program in the past, and that they have secured preliminary accreditation by the American Council on Graduate Medical Education.

Additionally, the petitioning hospital must commit to operating an allopathic or osteopathic residency program in one of five medical specialties, or a combination of these specialties: Family medicine, internal medicine, emergency medicine, obstetrics and gynecology, or general surgery. Again, the hospital may request up to $1 million to assist in the establishment of this new residency program. Funding could be used to offset the cost of the residents' salaries and benefits, faculty salaries and other costs directly attributable to the residency program.

The bill would require the Health Resources Services Administration to

study the efficacy of this program in increasing the number of residents in family medicine, internal medicine, and primary care, and whether the program led to an increase in the number of available practitioners in these specialty areas, particularly in underserved areas. The loans would be made available beginning January 1, 2008, and the program would be sunsetted in 10 years time, January 1, 2018, unless Congress elected to reauthorize the program.

The third prong of the physician workforce for the future would be ensuring the availability for adequate future physicians, and provide medical students with assistance and incentives to practice in shortage specialties and shortage areas.

The third bill would establish a mix of scholarships, loan repayment funds, and tax incentives to entice more students to medical school and create incentives for those students and newly minted doctors to become primary care, family physicians, general surgeons, OB/GYNs and practice in shortage areas such as rural or frontier areas.

This bill would provide additional educational scholarships in exchange for a commitment to serve in a public or private nonprofit health facility determined to have a critical shortage of primary care physicians.

□ 2345

Such scholarships will be treated as equivalent to those made under the National Health Service Corps Scholarship Program and penalties apply for those that take advantage of the scholarships but do not go into one of those practice areas.

This will be a 5-year authorization, authorizing these loans and grants to be $5 million a year. The scholarship amounts will not exceed $30,000 per year. The scholarship amounts may be adjusted based on financial need, geographic difference and educational costs.

Again, this is going to be administered through the Department of Health and Human Services, specifically through the Health Resources Service Administration.

This program will have an established repayment program for students who agree to go into family practice, internal medicine, emergency medicine, general surgery, or OB/GYN, and practice in underserved areas. Again, HRSA will administer and promulgate the requirements. Recipients must practice in the prescribed specialty and prescribed area, which is designated as an underserved area, and the practices may include solo or group practices, clinics, public or private nonprofit hospitals. Again, a 5-year authorization at $5 million per year.

This will establish the Primary Care Physician Retention and Medical Home Enhancement grants to help ensure that primary care physicians continue to provide coordinated medical care to patients in underserved areas or high-risk populations. Now, I know we can all think of areas like that in our home districts and home States.

Also, in an area such as the gulf coast area where so many physicians left after the devastating twin hurricanes of Katrina and Rita a year and a half ago, it has been very hard on doctors in those areas. Many doctors have left. It is going to be difficult to attract doctors back to that area, and this will be yet one more tool, one more way, to get doctors to consider practicing in an area where the need is great.

This encourages States to establish Physician Workforce Commissions, especially in rural areas and in certain practice specialties such as family medicine, again basically primary care, by exempting from income tax any amount paid by the Physician Workforce Commission in the form of salary to a physician who has signed a contract with the political subdivision to practice in that area for any amount of time, no fewer than 4 years.

Every year there would be a report back to Congress about the effectiveness of this program, that is, once again, are we spending our dollars wisely, are we getting what we thought we would get when we initiated that program.

So, Madam Speaker, those are three bills that, again, I will be introducing during the week next week after we get back. I think these, while they may not be the answer to all the problems, certainly focus on where the problem areas exist, that is, physicians who are my age, 50 years plus or minus a little bit, who are in the Medicare program but looking to drop out or opt out because they can no longer continue their practices because we in Congress are cutting reimbursements to the point where we are no longer paying our fair share. We are no longer paying the freight on taking care of Medicare patients, but in addition to that, looking over the horizon to the future, being sure that we have the physician workforce of the future, to provide care for the baby boomers who are getting older, but just being able to provide that care in general.

In fact, we are not even talking about just the Medicare population here. We are talking about doctors who are going to work in primary care in a medically underserved area in a specialty which is in short supply in that area. That dual approach of increasing the number of residency slots, again, doctors tend to go into practice and stay in practice where they trained, and the other, a loan forgiveness program and a tax incentive program to young physicians getting out of school, may have several hundred thousand dollars in debt from their undergraduate and then their medical school training, this is a way for them to begin their careers without having that incredible debt load to carry with them, a loan forgiveness, a tax incentive program, provided they are willing to give back some time in a medically underserved area in a specialty that is in high medical need.

I believe that by taking these three steps, Madam Speaker, we really will go a long way towards alleviating the physician shortage. There is no question that we are going to need to devote a lot more time and energy to how we approach the problem dealing with health care in this country and dealing with the uninsured. I expect to have many more hours on subsequent evenings in the coming weeks to talk about just this problem and just what are some of the approaches that may be taken.

We had a fairly long hearing in committee this morning, in my committee, the Health Subcommittee of Energy and Commerce, hearing from a variety of people about how to provide additional care for the uninsured. Again, it is going to be a lively debate, what happens in the private sector or do we just simply give it over to a government program, perhaps bring the age for eligibility for Medicare down lower and lower, expanding the SCHIP program higher and higher, and then the two programs will meet in the middle and provide coverage for everyone in the country. I do not think that is necessarily a good way to go.

I think there are some reasons that the private practice of medicine does bring value to the entire American medical system. There is no question we have no shortage of critics in this country and around the world about the system of health care in this country, but my opinion, it is the American system that stands at the forefront of innovation in new technology, precisely the types of system-wide changes that are going to be necessary to efficiently and effectively provide care for Americans in the future.

There was an article in the New York Times published October 5, 2006, by Tyler Cowan. He writes, ''When it comes to medical innovation, the United States is the world leader. In the past 10 years, for instance, 12 Nobel prizes in medicine have gone to American-born scientists working in the United States, three have gone to foreign-born scientists working in the United States, and just seven have gone to researchers outside of the country.''

But he does go on to point out that five of the six most important medical innovations of the past 25 years have been developed within and because of the American system.

The fact is the United States is not Europe. American patients are accustomed to wide choices when it comes to hospitals, physicians, and pharmaceuticals. Because our experience is unique in this country, because Americans indeed are exceptional and we are different from the types of programs that are in other countries, this difference should be acknowledged and embraced, whether we are talking

about public or private health insurance programs.

Madam Speaker, it has been a long day and we have gone fairly late into the evening. I appreciate the time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, on May 2.

Mr. BOOZMAN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. MURPHY of Pennsylvania, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 1, 2, and 3.

Mr. PRICE of Georgia, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on April 24, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 137. To amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. To amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis and Odell Horton Federal Building''.

H.R. 1003. To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. To amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, April 26, 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:

1269. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-16, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Norway for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1270. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-12, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1271. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-21, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1272. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-17, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1273. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-11, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1274. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1275. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria, pursuant to Public Law 109-102, section 525; to the Committee on Foreign Affairs.

1276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property for the period of April 1, 2006 through March 31, 2007, pursuant to 8 U.S.C. 1182d; to the Committee on Foreign Affairs.

1277. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-16, pursuant to Section 534(d) of the Foreign Operations, Export Financing and Related Program Apporpriations Act of 2006, Pub. L. 109-102; to the Committee on Foreign Affairs.

1278. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of the Commercial Primary Instrument Systems, pursuant to Section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1279. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on Foreign Affairs.

1280. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1281. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's report on the amount of acquisitions made by the commission from entities that manufacture articles, materials or supplies outside the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Oversight and Government Reform.

1282. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for FY 2006 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1283. A letter from the Director, Office of Personnel Management, transmitting the Office's ''Major'' final rule — Examining System and Programs for Specific Positions and Examinations (Miscellaneous) (RIN: 3206-AK86) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1284. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of $50,000,000 in Commercial Paper Notes''; to the Committee on Oversight and Government Reform.

1285. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's FY 2006 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1286. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30533 ; Amdt. No. 3203] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1287. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30531 ;

Amdt. No. 3201] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1288. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe Aerospatiale TB 20 and TB 21 Airplanes [Docket No. FAA-2006-26236 Directorate Identifier 2006-CE-66-AD; Amendment 39-14891; AD 2007-02-04] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Dart 528, 529, 532, 535, 542, and 555 Series Turboprop Engines. [Docket No. FAA-2006-24825; Directorate Identifier 2006-NE-17-AD; Amendment 39-14894; AD 2007-02-07] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2007-26797; Directorate Identifier 2006-NM-195-AD; Amendment 39-14878; AD 2006-20-14] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model F2000EX Airplanes [Docket No. FAA-2007-26855; Directorate Identifier 2006-NM-264-AD; Amendment 39-14888; AD 2007-02-01] (RIN 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2006-25643; Directorate Identifier 2006-NM-135-AD; Amendment 39-14869; AD 2006-26-11] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1293. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 2100D3 Turboprop Engines. [Docket No. FAA-2006-26414; Directorate Identifier 2006-NE-42-AD; Amendment 39-14854; AD 2006-25-13] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1294. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc RB211 Trent 700 Series Turbofan Engines. [Docket No. FAA-2005-19559; Directorate Identifier 2004-NE-03-AD; Amendment 39-14892; AD 2007-02-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1295. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes Equipped with General Electric CF6-45 or -50 Series Engines, or Equipped with Pratt & Whitney JT9D-3 or -7 (Excluding -70) Series Engines [Docket No. FAA-2007-26811; Directorate Identifier 2006-NM-262-AD; Amendment 39-14887; AD 2007-01-15] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1296. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22559; Directorate Identifier 2005-NM-076-AD; Amendment 39-14879; AD 2007-01-07] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1297. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, B, L, L-1, L-3, and L-4 Helicopters [Docket No. FAA-2005-22696; Directorate Identifier 2005-SW-22-AD; Amendment 39-14877; AD 2007-01-06] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat; Third Occupant Seat Assemblies, 133 Series [Docket No. FAA-2005-22959; Directorate Identifier 2005-NE-40-AD; Amendment 39-14856; AD 2006-25-15] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56 Series Turbofan Engines [Docket No. FAA-2006-26502; Directorate Identifier 2006-NE-37-AD; Amendment 39-14859; AD 2006-26-01] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines; Correction [Docket No. 2004-NE-19-AD; Amendment 39-13197; AD 2004-26-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo Discus T Gliders [FAA-2006-26437; Directorate Identifier 2006-CE-73-AD; Amendment 39-14855; AD 06-25-14] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Airplanes [Docket No. FAA-2006-23659; Directorate Identifier 2005-NM-236-AD; Amendment 39-14863; AD 2006-26-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10, S10-V, and S10-VT Gliders [FAA-2006-26557; Directorate Identifier 2006-CE-85-AD; Amendment 39-14860; AD 2006-26-02] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145XR Airplanes [Docket No. FAA-2006-24440; Directorate Identifier 2006-NM-058-AD; Amendment 39-14862; AD 2006-26-04] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada (P&WC) PW535A Turbofan Engines [Docket No. FAA-2006-26112; Directorate Identifier 2006-NE-35-AD; Amendment 39-14837; AD 2006-24-08] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU formerly held by APEX Aircraft and AVIONS PIERRE ROBIN), Model R2160 Airplanes. [Docket No. FAA-2006-26492; Directorate Identifier 2006-CE-77-AD; Amendment 39-14861; AD 2006-26-03] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1307. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce Engines [Docket No. FAA-2006-26675; Directorate Identifier 2006-NM-203-AD; Amendment 39-14864; AD 2006-26-06] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1308. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) Airplanes [Docket No. FAA-2006-25668; Directorate Identifier 2006-CE-44-AD; Amendment 39-14815; AD 2006-23-03] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1309. A letter from the Chemical Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Chemical Facility Anti-Terrorism Standards (RIN: 1601-AA41) received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois (for himself, Mr. RUSH, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H.R. 2025. A bill to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the ''Willye B. White Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. JONES of North Carolina (for himself and Mr. GOODE):

H.R. 2026. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 2027. A bill to provide an additional 0.5 percent increase in the rates of military basic pay for members of the uniformed services above the pay increase proposed by the Department of Defense so as to ensure at least a minimum pay increase of 3.5 percent for members and to further narrow the ''pay gap'' that exists between the military and private sector pay scales; to the Committee on Armed Services.

By Mr. BOYD of Florida (for himself and Mr. MILLER of Florida):

H.R. 2028. A bill to extend Federal recognition to the Muscogee Nation of Florida; to the Committee on Natural Resources.

By Mrs. CAPPS:

H.R. 2029. A bill to facilitate the restoration of the native ecosystem on Santa Rosa Island within Channel Islands National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. CLAY (for himself, Mrs. CHRISTENSEN, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. LEE, Mr. PAYNE, and Mr. RANGEL):

H.R. 2030. A bill to establish a commission to investigate the expulsion of African-American residents of the Missouri cities of Aurora, Monett, Newburg, Pierce City, Cassville, and Webb City from their homes that occurred between August 1894 and August 1901, and make recommendations regarding the feasibility and appropriateness of providing reparations to such residents; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 2031. A bill to safely redeploy United States troops from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2032. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. GOODLATTE, Mrs. MALONEY of New York, and Mrs. BONO):

H.R. 2033. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. STARK, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. WYNN, Ms. BALDWIN, Mr. TOWNS, Ms. SOLIS, Mr. ENGEL, Mr. GENE GREEN of Texas, and Mr. DOYLE):

H.R. 2034. A bill to provide quality, affordable health care for all Americans; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. SALAZAR, Mr. MORAN of Kansas, Mr. SMITH of Nebraska, and Mr. POMEROY):

H.R. 2035. A bill to tailor the rural broadband program to better serve those living in rural areas; to the Committee on Agriculture, 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. INSLEE (for himself, Mr. HOLT, Mr. HALL of New York, Ms. BORDALLO, Mr. DELAHUNT, and Mr. BLUMENAUER):

H.R. 2036. A bill to promote the development and use of marine and hydrokinetic renewable energy technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 2037. A bill to amend the Energy Policy and Conservation Act of 1992 to require States to meet certain goals for the use of renewable fuels, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, 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. KIND (for himself and Mr. NUNES):

H.R. 2038. A bill to promote biogas production, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, 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. LEVIN:

H.R. 2039. A bill to amend the Internal Revenue Code of 1986 to modify the alternative fuel vehicle refueling property credit; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself and Ms. PRYCE of Ohio):

H.R. 2040. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Financial Services.

By Mrs. MILLER of Michigan:

H.R. 2041. A bill to amend the Miscellaneous Trade and Technical Corrections Act of 2004 to authorize the establishment of Integrated Border Inspection Areas at the Blue Water Bridge connecting Port Huron, Michigan, and Point Edward, Ontario, Canada; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, 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. RUPPERSBERGER (for himself, Mr. CUMMINGS, Mr. SARBANES, and Mr. KENNEDY):

H.R. 2042. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 2043. A bill to provide for a Medicaid demonstration project for chronic disease management; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 2044. A bill to amend title 10, United States Code, to extend eligibility for disability retired pay and separation pay to former cadets and midshipmen with prior enlisted service who incurred physical disabilities after January 1, 2000; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself, Ms. GRANGER, Mr. BOSWELL, Mr. MCINTYRE, and Mr. CUMMINGS):

H.R. 2045. A bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H. Con. Res. 128. Concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford; to the Committee on House Administration.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 129. Concurrent resolution recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary; to the Committee on Energy and Commerce.

By Mrs. NAPOLITANO (for herself and Mr. TIM MURPHY of Pennsylvania):

H. Con. Res. 130. Concurrent resolution supporting the goals and ideals of Mental Health Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself and Mr. PENCE):

H. Con. Res. 131. Concurrent resolution commemorating the 40th anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. STUPAK, Mr. HOLDEN, and Mr. SHAYS):

H. Res. 337. A resolution supporting the goals and ideals of a Lyme Disease Awareness Month; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. KIND, Mr. GALLEGLY, Mr. LANTOS, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, and Mr. ISSA):

H. Res. 338. A resolution encouraging increased cooperation between the United States and the European Union to strengthen the transatlantic market; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. WOOLSEY, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. WATERS, Mr. DINGELL, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mr. WATT, and Mr. RANGEL.

H.R. 23: Mr. HODES and Mr. KING of Iowa.

H.R. 73: Mr. HASTINGS of Washington.

H.R. 135: Mr. PRICE of Georgia, Mr. GINGREY, Mr. KUHL of New York, Mrs. MUSGRAVE, Mr. MARCHANT, and Mr. WELDON of Florida.

H.R. 177: Mr. LEWIS of Georgia.

H.R. 219: Mr. MARSHALL.

H.R. 255: Mr. TIM MURPHY of Pennsylvania.

H.R. 297: Mr. BOUCHER, Mrs. CAPPS, Mr. EMANUEL, Mrs. LOWEY, Mr. PASCRELL, and Ms. WOOLSEY.

H.R. 303: Mrs. MUSGRAVE, Mr. JINDAL, and Mr. PICKERING.

H.R. 322: Mr. PITTS, Mr. CAMPBELL of California, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. ROSKAM, Ms. GRANGER, Mr. HOEKSTRA, Mr. REYNOLDS, Mr. EHLERS, Mr. EVERETT, Mr. SHUSTER, Mr. CANTOR, and Mr. MCCAUL of Texas.

H.R. 370: Mr. RUSH.

H.R. 405: Mr. LARSEN of Washington.

H.R. 436: Mr. MCKEON.

H.R. 464: Mr. LOEBSACK.

H.R. 471: Mr. LINCOLN DAVIS of Tennessee, Mrs. CUBIN, Mr. HIGGINS, Mr. WALZ of Minnesota, Mr. KNOLLENBERG, Ms. HERSETH SANDLIN, and Mr. SKELTON.

H.R. 522: Mr. PAYNE and Mr. TOWNS.

H.R. 531: Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA.

H.R. 543: Mr. SMITH of Washington.

H.R. 551: Mr. GONZALEZ, Mr. MCCARTHY of California, Mr. NUNES, and Mr. ROHRABACHER.

H.R. 563: Mr. NUNES.

H.R. 579: Ms. WASSERMAN SCHULTZ and Mr. LOEBSACK.

H.R. 583: Mrs. BONO, Mr. CALVERT, Mr. WALZ of Minnesota, Ms. NORTON, and Mr. LANTOS.

H.R. 612: Mr. LATHAM.

H.R. 690: Mr. CUMMINGS.

H.R. 691: Mr. MILLER of North Carolina and Ms. SLAUGHTER.

H.R. 692: Mr. NADLER.

H.R. 695: Mr. SCHIFF.

H.R. 697: Mr. SMITH of Texas, Mr. SHADEGG, Mr. JINDAL, and Mr. DUNCAN.

H.R. 698: Mr. EDWARDS, Ms. SCHWARTZ, and Mr. MANZULLO.

H.R. 718: Mr. ABERCROMBIE, Mr. MURTHA, and Mr. CARNEY.

H.R. 728: Mr. CROWLEY.

H.R. 734: Ms. FALLIN and Mr. BONNER.

H.R. 741: Mr. RANGEL, Mr. SAXTON, Ms. SLAUGHTER, Mr. COURTNEY, Mr. ENGEL,

Mr. REYNOLDS, Mr. HALL of New York, Mr. FOSSELLA, Mrs. GILLIBRAND, and Mr. HOYER.

H.R. 758: Mr. LOEBSACK.

H.R. 760: Mrs. CAPITO.

H.R. 772: Mr. KAGEN.

H.R. 782: Mr. INGLIS of South Carolina, Mr. BISHOP of Utah, Mr. ROGERS of Alabama, and Mr. ETHERIDGE.

H.R. 801: Mr. PORTER.

H.R. 804: Ms. SUTTON, Mr. HARE, and Mr. JOHNSON of Georgia.

H.R. 853: Mr. MCGOVERN.

H.R. 869: Mr. HAYES.

H.R. 898: Mr. MCINTYRE and Mr. DELAHUNT.

H.R. 923: Mr. FARR.

H.R. 927: Mr. FOSSELLA.

H.R. 971: Mr. NEUGEBAUER and Mr. MELANCON.

H.R. 980: Mr. BOSWELL, Mr. TIAHRT, Mr. SPACE, Mr. WILSON of Ohio, Mr. HOLDEN, Mr. TIERNEY, Mr. LARSON of Connecticut, and Mr. DONNELLY.

H.R. 983: Mr. HASTINGS of Washington, Mr. HULSHOF, and Mr. WICKER.

H.R. 997: Mr. WELDON of Florida, Mr. MORAN of Kansas, and Mr. WALDEN of Oregon.

H.R. 1014: Mr. ETHERIDGE, Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. WYNN, Ms. WOOLSEY, Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Mrs. BONO, Mr. REHBERG, Mr. ORTIZ, Ms. CARSON, Mr. GOODE, Ms. MATSUI, Ms. DEGETTE, Mr. FARR, Mr. ABERCROMBIE, Mr. FERGUSON, Mrs. SCHMIDT, Ms. CASTOR, Ms. GRANGER, Ms. SCHWARTZ, Ms. HARMAN, Mrs. GILLIBRAND, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. CLARKE, Mr. LOEBSACK, Mr. PERLMUTTER, and Mr. MURTHA.

H.R. 1023: Mr. TOWNS and Mr. HASTINGS of Washington.

H.R. 1031: Mr. LANTOS.

H.R. 1032: Mr. RAHALL and Mr. MCINTYRE.

H.R. 1034: Mr. MCCRERY.

H.R. 1038: Ms. SLAUGHTER, Mr. LOEBSACK, and Mrs. MCCARTHY of New York.

H.R. 1061: Mr. MCCAUL of Texas, Mrs. GILLIBRAND, and Mrs. DAVIS of California.

H.R. 1063: Mr. TURNER.

H.R. 1071: Ms. CLARKE.

H.R. 1072: Mr. PRICE of North Carolina.

H.R. 1073: Mr. UDALL of New Mexico, Mr. JACKSON of Illinois, Mr. SHULER, and Mrs. DAVIS of California.

H.R. 1084: Ms. WATSON, Ms. MATSUI, and Ms. BORDALLO.

H.R. 1092: Mr. LINCOLN DAVIS of Tennessee, Mr. DINGELL, Mrs. DAVIS of California, Mr. GONZALEZ, Mr. MCNULTY, Ms. SCHWARTZ, Mr. WEXLER, Mr. RODRIGUEZ, and Ms. BERKLEY.

H.R. 1098: Ms. SCHWARTZ.

H.R. 1102: Mr. PETERSON of Minnesota and Mr. JINDAL.

H.R. 1117: Mr. HOLT, Mr. GEORGE MILLER of California, Mr. KIND, Mr. RUPPERSBERGER, Mr. FILNER, and Mr. ROTHMAN.

H.R. 1147: Mr. CAMP of Michigan.

H.R. 1148: Ms. SCHAKOWSKY.

H.R. 1157: Mr. BRADY of Pennsylvania, Mrs. GILLIBRAND, Mr. NUNES, Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. LOBIONDO, Mr. ELLISON, Mr. VAN HOLLEN, Mr. MCHUGH, and Mr. MILLER of North Carolina.

H.R. 1188: Mr. RAHALL.

H.R. 1192: Mr. BOSWELL.

H.R. 1222: Mr. JINDAL and Mr. LARSON of Connecticut.

H.R. 1224: Mr. MORAN of Virginia, Mr. HOLDEN, and Mr. FORTUÑO.

H.R. 1225: Mr. SMITH of Washington.

H.R. 1228: Mr. WALZ of Minnesota and Mr. MCINTYRE.

H.R. 1250: Mr. GILLMOR.

H.R. 1260: Mr. DUNCAN and Mr. LINCOLN DAVIS of Tennessee.

H.R. 1280: Mr. GONZALEZ.

H.R. 1293: Mrs. CUBIN and Mr. GILLMOR.

H.R. 1302: Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Mr. COHEN, Ms. SCHWARTZ, and Mr. MCCAUL of Texas.

H.R. 1330: Mr. LOEBSACK.

H.R. 1333: Mr. JINDAL, Mr. CAMPBELL of California, and Mr. CUELLAR.

H.R. 1336: Mr. MORAN of Kansas and Mr. WALDEN of Oregon.

H.R. 1352: Ms. ZOE LOFGREN of California.

H.R. 1355: Mr. CALVERT.

H.R. 1384: Mr. HERGER, Mr. LANTOS, and Ms. ROYBAL-ALLARD.

H.R. 1394: Mr. CHANDLER and Mr. KIND.

H.R. 1399: Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. PLATTS, Mr. PICKERING, Mr. CALVERT, and Mr. KING of Iowa.

H.R. 1422: Mr. SAXTON and Mr. RUSH.

H.R. 1427: Mr. TERRY.

H.R. 1431: Mr. AKIN.

H.R. 1440: Mr. MCINTYRE.

H.R. 1459: Mr. EDWARDS, Mr. MEEKS of New York, Mr. EMANUEL, Mr. ELLSWORTH, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1461: Mr. GUTIERREZ, Ms. CARSON, and Mr. CLAY.

H.R. 1466: Mr. REICHERT.

H.R. 1481: Mr. NEUGEBAUER and Mrs. EMERSON.

H.R. 1498: Mr. LAHOOD, Mr. ROSKAM, Mr. PAUL, and Ms. SCHWARTZ.

H.R. 1499: Mr. BAIRD.

H.R. 1524: Mr. JINDAL, Mr. MCCOTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COHEN, Mr. PRICE of North Carolina, and Mr. SENSENBRENNER.

H.R. 1527: Mr. MILLER of Florida.

H.R. 1533: Mr. FORTENBERRY.

H.R. 1537: Mr. RADANOVICH, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, and Mr. PORTER.

H.R. 1540: Mr. MCDERMOTT.

H.R. 1541: Mrs. DAVIS of California.

H.R. 1583: Mr. NADLER, Mr. HINCHEY, Mr. HALL of New York, Mr. MEEKS of New York, Mrs. LOWEY, and Mr. PASCRELL.

H.R. 1593: Mr. GILCHREST, Mr. COSTELLO, and Mr. AL GREEN of Texas.

H.R. 1600: Mr. ANDREWS.

H.R. 1638: Mr. PASCRELL, MRS. MCCARTHY of New York, Mr. FERGUSON, and Mr. KING of New York.

H.R. 1641: Mr. PICKERING.

H.R. 1655: Mr. GERLACH.

H.R. 1662: Mr. COSTA and Mr. RADANOVICH.

H.R. 1665: Mr. CHANDLER and Mr. NEUGEBAUER.

H.R. 1673: Mr. PICKERING, Mr. GERLACH, and Mr. CHANDLER.

H.R. 1674: Mrs. MYRICK and Mr. CLYBURN.

H.R. 1709: Ms. HIRONO.

H.R. 1730: Mr. CARNEY.

H.R. 1731: Mr. ENGLISH of Pennsylvania, Mr. NEAL of Massachusetts, Ms. BORDALLO, Mr. DUNCAN, Mr. OBERSTAR, Mr. LEWIS of Georgia, and Mr. MCNULTY.

H.R. 1742: Mr. CARNEY.

H.R. 1756: Mr. HILL and Mr. REHBERG.

H.R. 1767: Mrs. DRAKE, Mr. SKELTON, Mr. CLEAVER, Mr. CALVERT, Mr. BONNER, and Mr. ORTIZ.

H.R. 1823: Mr. CLEAVER, Mr. WU, and Mr. HASTINGS of Washington.

H.R. 1827: Mr. ENGLISH of Pennsylvania.

H.R. 1845: Mr. ROGERS of Alabama, Mr. BOUSTANY, Mr. COLE of Oklahoma, and Mr. ETHERIDGE.

H.R. 1871: Mrs. MALONEY of New York.

H.R. 1873: Mr. REYES, Mr. LARSEN of Washington, Mr. GONZALEZ, Mr. JORDAN, and Ms. BEAN.

H.R. 1881: Mr. PASCRELL, Mr. JOHNSON of Georgia, and Mr. MCCOTTER.

H.R. 1889: Mr. PETERSON of Minnesota.

H.R. 1890: Mr. PETERSON of Minnesota.

H.R. 1902: Mr. MARSHALL.

H.R. 1907: Mr. PAYNE and Mr. ALLEN.

H.R. 1909: Mr. NEUGEBAUER, Mr. AL GREEN of Texas, and Mr. MCCAUL of Texas.

H.R. 1929: Mrs. BOYDA of Kansas, Mr. EVERETT, Mrs. CUBIN, Mr. PETERSON of Minnesota, Mr. LINCOLN DAVIS of Tennessee, Mr. BOSWELL, and Mr. DONNELLY.

H.R. 1930: Mr. REICHERT.

H.R. 1932: Mr. MCCOTTER, Mrs. EMERSON, and Mr. LATOURETTE.

H.R. 1940: Mr. DAVID DAVIS of Tennessee, Mr. GINGREY, Mr. PRICE of Georgia, Mr. CARTER, Mr. CULBERSON, Mr. MCKEON, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. TANCREDO, Mrs. DRAKE, and Mr. HUNTER.

H.R. 1945: Mrs. MALONEY of New York.

H.R. 1960: Mr. FATTAH and Ms. CARSON.

H.R. 1971: Ms. SCHWARTZ.

H.R. 1974: Ms. SCHWARTZ and Mr. SESSIONS.

H.R. 1975: Mr. NEAL of Massachusetts.

H.R. 1980: Ms. MATSUI.

H.R. 1986: Mr. ROSS, Mr. MOORE of Kansas, and Ms. HERSETH SANDLIN.

H.R. 2005: Mr. WALZ of Minnesota, Mr. KAGEN, Mr. ELLISON, Mr. PETERSON of Minnesota, and Mr. ENGLISH of Pennsylvania.

H.R. 2016: Mr. HOLT.

H.R. 2017: Mr. REYES and Ms. HIRONO.

H.J. Res. 9: Mr. LATHAM, Mr. BURTON of Indiana, Mr. HENSARLING, and Mr. PICKERING.

H.J. Res. 30: Mr. STARK.

H. Con. Res. 21: Mr. CANTOR.

H. Con. Res. 70: Mr. GOODE, Mr. SHAYS, and Mr. UDALL of Colorado.

H. Con. Res. 95: Mr. ROTHMAN.

H. Con. Res. 102: Mr. MCCOTTER.

H. Con. Res. 104: Ms. CARSON, Mr. ENGLISH of Pennsylvania, Mr. CLEAVER, Mr. DELAHUNT, Mr. WEXLER, Mr. SMITH of Washington, and Mr. SIRES.

H. Con. Res. 105: Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. LUCAS, Mrs. BONO, Mrs. CAPITO, Mrs. BIGGERT, Mrs. WILSON of New Mexico, and Ms. PRYCE of Ohio.

H. Con. Res. 108: Mr. LOEBSACK.

H. Con. Res. 112: Ms. DELAURO, Mr. KILDEE, and Ms. SHEA-PORTER.

H. Con. Res. 122: Ms. CASTOR, Ms. MCCOLLUM of Minnesota, Mr. FARR, and Ms. SCHAKOWSKY.

H. Res. 87: Mr. PICKERING.

H. Res. 128: Mr. RUPPERSBERGER and Mr. FERGUSON.

H. Res. 145: Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. HINOJOSA, Mr. REYES, Mr. WU, and Mr. BISHOP of New York.

H. Res. 194: Mr. SCHIFF, Mr. BERMAN, Mr. HOLT, and Mr. WAXMAN.

H. Res. 197: Mr. LOEBSACK.

H. Res. 216: Mr. CONAWAY, Mr. GERLACH, and Mr. ENGLISH of Pennsylvania.

H. Res. 223: Mr. MCNULTY, Mr. KUHL of New York, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. MARCHANT, and Mr. CARTER.

H. Res. 231: Mr. WAMP and Mr. LAMBORN.

H. Res. 272: Mr. RUSH.

H. Res. 282: Mr. CARNEY, Mr. SKELTON, Ms. WASSERMAN SCHULTZ, Mr. SAXTON, Mr. UDALL of Colorado, Mr. ISRAEL, Mr. GRIJALVA, Mr. DONNELLY, and Mr. PAYNE.

H. Res. 287: Mr. WOLF.

H. Res. 291: Mr. THOMPSON of Mississippi, Mr. MOORE of Kansas, Mr. KUHL of New York, and Mr. WOLF.

H. Res. 296: Mr. HIGGINS, Mr. BOYD of Florida, and Mr. TOM DAVIS of Virginia.

H. Res. 308: Ms. CLARKE , Mr. HASTINGS of Florida, Mr. SHAYS, Mr. FOSSELLA, Mr. HARE, Mr. JOHNSON of Illinois, Mr. COHEN, Mr. MCDERMOTT, Mr. MCCOTTER, Mr. CROWLEY, Mr. KING of New York, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. HOLDEN, and Mr. NEAL of Massachusetts.

H. Res. 313: Ms. LINDA T. SÁNCHEZ of California, Mr. LOBIONDO, Mr. SESSIONS, Mr. SHERMAN, Mr. BOUCHER, Ms. KAPTUR, Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Mr. GRIJALVA, and Mr. YOUNG of Alaska.

H. Res. 326: Ms. BORDALLO, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Ms. SHEA-PORTER, Mr. TIM MURPHY of Pennsylvania, Mr. LAMPSON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. STUPAK, Mr. HIGGINS, Mr. WILSON of Ohio, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. MCGOVERN, and Mr. UDALL of New Mexico.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative *Robert C. ''Bobby'' Scott* or a designee to H.R. *1429*, the *Improving Head Start Act of 2007*, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Ms. HERSETH SANDLIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 249

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 2: At the end of the bill, add the following new section:

SEC. 2. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms ''deficit'' and ''surplus'' have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, APRIL 25, 2007 No. 67

Senate

The Senate met at 9:30 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 Spirit, abide with our lawmakers. Make them so aware of Your presence that the faithful may be blessed, the sad may be comforted, the depressed may be encouraged, the ungrateful may give thanks, and the perplexed may understand. May companionship with You enable our Senators to be guided by Your providence.

Speak to the successful and keep them from pride. Speak to those who are too self-confident and keep them from falling. Speak to those who are so sure of their position that they are certain that everyone else is wrong. Lord, keep them from intolerance. From day to day, guard us from anything that brings shame, so that in the eventide of life, when our task is done, we may see the smile of Your approval. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be an hour of morning business, with the first half controlled by the majority and the second half controlled by the Republicans. Following morning business, we will resume consideration of S. 761. Under an agreement entered last night, once we get back on the bill, there will be 30 minutes of debate with respect to the Sununu amendment, which is numbered 938, which strikes a section of the bill seeking to strengthen science, technology, engineering, and mathematics education at all school levels. We expect the amendment will be voted on at a little after 11 this morning. My understanding is once we dispose of the Sununu amendment, then the Sanders amendment remains pending.

Mr. President, let me say to everyone, I have not had the opportunity to speak to the Republican leader today, but it would be my intention that we would be in recess from 4 until 5:30 for the briefings by General Petraeus, General Pace, and others up in room 407. But it would be my intention to finish this bill after that.

It is my understanding there are some Coburn amendments—he has three of them—and we would like to get votes scheduled on those. If there are other amendments, let's bring them forward. But we will not get the bill from the House on the supplemental until tonight, anyway. We are not going to be able to do anything on it tonight. I think it would be a good step forward if we can finish this bill tonight. That means we would work on it until late in the evening and finish this bill. That is my intention. I hope there are no efforts to delay this bill. If, in fact, that is the case, as I have said before, we would just back off the bill. If we cannot pass, on a bipartisan basis, legislation that has more than 50 cosponsors, I think it is not a good day for us. We should be able to show the American people there are some things we can do on a bipartisan basis.

I remind all Members that there will be a briefing today, as I have indicated, in 407 beginning at 4 p.m.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the majority and the final 30 minutes under the control of the Republicans.

The Senator from Ohio is recognized.

TRADE AGREEMENTS

Mr. BROWN. Mr. President, last week our colleague, Senator BYRON DORGAN, chairman of the Commerce

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Committee's Subcommittee on Interstate Commerce, Trade, and Tourism, held the first in a series of hearings on our U.S. trade policy. I was proud to join Chairman DORGAN as we asked the pivotal question on the minds of workers and small business owners across the country: Is free trade working? Is it working for American communities? Is it working for our families? Is it working for our workers?

For the majority of Americans and people worldwide, the answer is a resounding no. For a privileged few, yes, this model of trade has increased the bottom lines. But the economic values embodied by this free-trade model are skewed toward a very select few in our Nation. Not only is our trade policy not working, it is worsening the problem of income equality across the Nation.

From 1946 to 1973, economic opportunities for poor and working families in this country grew. As you can see, that income, people's income—they are divided into five groups—the lowest income, 20 percent, the middle groups, and then the wealthiest 20 percent.

Between 1947 and 1973 in this country, the 20 percent lowest income workers actually saw their income rise the fastest. From 1947 to 1973, that was a time of strong economic growth. It was a time of actual trade surpluses during those years. It was a time of fairly stable energy prices—all of that.

The lesson here: Families that worked hard, that played by the rules, had a real chance of getting ahead.

Then the next, from 1973 to 2000, that economic opportunity began to flatten out for those families. We saw, in those years, from 1973 to 2000—1973 was the year we went from a trade surplus to a trade deficit. That was only one of the reasons. The lowest income workers saw their income grow by the least. People whose income was in the top 20 percent saw their income grow the fastest.

If we had a third chart here, income since 2000, since 2000, income has gone up only for the wealthiest 20 percent in this country.

When Secretary Paulson came to the Banking Committee and spoke to us, he bragged about 3½ percent economic growth for this country—a good thing. The problem is, profits are up, productivity is up, but workers are not sharing in the wealth they create. Profits are up, executive salaries are up, and almost everybody else's income in this country has been pretty stagnant.

Our economic house is not in order. It is not in order nationally, and it is not anywhere where it needs to be in my State of Ohio. When I first ran for Congress in 1992, our trade deficit was $38 billion. Our trade deficit figures for 2006 topped $800 billion. That is from $38 billion to $200 billion from 1992 to 2006. Our trade deficit with China went from low double figures in 1992 to well over $200 billion—an increase of almost 20 times in those 15 years or so. In fact, since 1982, we have accumulated trade deficits of $4.3 trillion. The aggregate trade deficit from 1982 to the present day is $4.3 trillion. That is money which eventually will have to be paid. Put another way, we have produced 4.3 trillion fewer manufactured goods, in most cases, than we have purchased. Put another way, to understand what $4.3 trillion of wealth transferred out of our country means, if you had $4.3 trillion and you spent $1,000 every second of every minute of every hour of every day, to spend that $4.3 trillion trade debt, it would take you 131 years.

We have lost more than 3 million manufacturing jobs across the country. Those are jobs which pay an average of 31 percent more than service sector jobs. Service sector jobs, the ones that NAFTA and the World Trade Organization proponents said would replace manufacturing jobs, they also are tradable and they are also moving offshore at a swift pace.

The trade policies we have set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Hamilton, OH, Cleveland and Steubenville, and Lime, OH, as well as in Mexico and Korea and Bangladesh.

We must shrink income equality, grow our business community, and create good-paying jobs. We must establish trade policy that builds our economic security, not undermines it. Job loss does not just affect the worker or even just the worker's family. Job loss, especially job loss in the thousands, obviously devastates communities, layoffs of police and fire and teachers and all of that. It hurts local business owners, the drugstore, the grocery store, the neighborhood restaurant.

This model of trade is also not winning us more friends abroad. Last month, tens of thousands of workers in Korea took to the streets protesting a pending free-trade agreement with the United States, similar to the tens of thousands of protesters against the Central American Free Trade Agreement in our country and in the six countries in Central America.

Much has been written and said about the waning enthusiasm for the free trade area of the Americas, throughout Latin America, most notably because of what NAFTA has done to Mexico's rural population, with a million and a half small farmers' livelihoods devastated. It almost toppled the favored Presidential candidate in Mexico last year, as the challenger talked about NAFTA's negative impact on Mexico and who came within a hair of winning. In Brazil, in Bolivia, in Ecuador, and elsewhere, leaders are responding to the demand for a very different, more equitable trading system, not one modeled after the North American Free Trade Agreement.

A few years ago, I traveled to McAllen, TX, where I crossed the border with a couple of friends into Reynosa, Mexico. I met a husband and wife who worked for General Electric Mexico, 3 miles from the United States, and lived in a shack about 15 feet by 15 feet, no running water, no electricity, dirt floors. When it rained hard, the floors turned to mud. Behind their little shack was a ditch maybe 4 feet wide, human and industrial waste flowing through that ditch. The American Medical Association said it is the most toxic place in the Western Hemisphere.

As you walked through their neighborhood, you could tell where the people living in each of those shacks worked because their homes were constructed from the packing material, the boxes and the wooden crates and the pieces of cardboard and all, the packing material from the company for which they worked.

You could go nearby to an auto plant, nearby to these homes in this neighborhood, 3, 4 miles from the United States of America. The auto plant looked just like an auto plant in Lordstown, OH, or just like the auto plant in Avon Lake or just like the auto plant at Twinsburg, OH. The auto plant was modern, the technology was up to date, the floors were clean, the workers were productive, and the workers were working hard. The only difference between the Mexican auto plant and the American auto plant is the Mexican auto plant did not have a parking lot because the workers are not paid enough to buy the cars they make.

You could go halfway around the world to a Motorola plant in Malaysia, and the workers are not paid enough to buy the cell phones they make, or come back to our hemisphere, to Costa Rica, to a Disney plant, and the workers are not making enough at the Disney plant to buy the toys for their children. You can go back halfway around the world to a Nike plant in China, and the workers are not making enough to buy the shoes they make in their jobs.

Only when workers share in the wealth they create will we know our trade policy is working. American workers are more and more productive every year, an explosion in productivity in this country, yet workers' wages are flat, as we see, especially the bottom 60 or 80 percent, and especially since 2000, where our trade policy is having a depressing impact on wages.

Two years ago, thousands of workers in Central America took to the streets protesting that failed trade policy. CAFTA still has not been implemented in Coast Rica because it is so controversial. In fact, this week in Costa Rica, there will be a public referendum on the Central American Free Trade Agreement.

This shift in thinking about free trade, both in the Senate and the House, in this country among the public and abroad, presents all of us today with an opportunity, the challenge we face, which grows in urgency as to how we trade and take part in our global economy without continuing to destroy, to undermine the middle class. The current system is not sustainable.

Those of us who support free trade—not fair trade but support free trade—we want trade, we want plenty of it, but under new rules. We want legitimate fair trade. It is considered protectionist by some to fight for labor and environmental standards, but they consider it free trade to protect drug company patents and Hollywood DVDs. If we can protect intellectual property rights with enforceable provisions in trade agreements, as we should, we absolutely can do the same for labor standards and environmental protections and food safety standards.

I am pleased to say this Congress is already hard at work in building a better trade policy. Senator DORGAN and I have introduced antisweatshop legislation. We need more fair trade to build the middle class and lift up American workers. There will be more of those proposals in the future. It is not a matter of if we trade but how we trade and who benefits from that trade. Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

IRAQ SUPPLEMENTAL

Mrs. MURRAY. Mr. President, I am here to speak on the floor today because American lives, American security, and America's future are on the line in Iraq. The American people know it. They sent a clear message last November. The Iraq Study Group has told us. They gave us honest assessments and recommendations to move forward in Iraq.

Generals have spoken out. General Casey told us in January:

> 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 make the hard decisions about reconciliation and dealing with the militias.

General Abizaid told us in November:

> I do not believe that more American troops right now is the solution to the problem.

Colin Powell has talked about it. He said:

> I am not persuaded that another surge of troops into Baghdad for the purpose of suppressing this communitarian violence, this civil war, will work.

The numbers speak for themselves. More than 3,300 Americans have died in Iraq and nearly 25,000 have been wounded. A few days ago, 9 more U.S. soldiers were killed in a bombing, and 20 more U.S. troops and an Iraqi soldier were injured.

Americans have heard the military experts, they have heard the Iraq Study Group, they have seen the sacrifice of our troops and their families, and now they are demanding a change in course. But, sadly, the President refuses to listen. He is ignoring the military experts, the bipartisan Iraq Study Group, and the American people.

It is clear the Iraqi civil war requires a political solution, not a military solution. Our servicemembers have done everything we have asked them to do. They deserve better than to be stuck in the middle of a civil war.

Four years into this war—starting the fifth year—the President is still tossing around heated rhetoric while trying to convince the American people that Democrats do not support the troops. I reject that rhetoric, and I call on him to put politics aside and begin to put our troops first. We can all agree, it is long past time for that.

Now is the time to show our troops we support them with the funds and supplies and armor they need but that we also support them enough to change direction when the current course simply is not working.

Now is the time to show our troops we respect our military, and we refuse to decimate the world's finest fighting forces through extended deployments, limited time at home, and the destruction of valuable equipment in another country's civil war.

Now is the time to show our troops their lives mean more than an open-ended commitment to an Iraqi Government that has repeatedly failed to meet deadlines and take ownership for their own future.

Now is the time to show our troops we understand that America needs them, not in the middle of an Iraqi civil war but in places such as Afghanistan, where al-Qaida is growing in strength.

And now is the time to show our troops their Government is about more than promises and rhetoric. We must stand together to say we will meet the needs of our injured servicemembers and our veterans who have paid the price for this administration's failure to plan for the war and its aftermath.

Congress is moving forward now to pass a supplemental bill that shows our troops they come first. All the President has to do is sign on the dotted line. Unfortunately, because the Bush administration failed to plan and failed to understand the centuries' old tensions in this region, we now, more than ever, need a political and diplomatic solution in Iraq.

As the past 2 months have brutally revealed, the escalation is not working. The civil war has intensified and our troops are stuck in the middle of sectarian violence and find themselves the target of insurgent attacks. It is hard to argue that the situation on the ground—both for our troops and for Iraqis—has gotten better.

Last Wednesday, the New York Times reported:

> Bombs ripped through the streets of Baghdad killing at least 171 people in the deadliest day in the capital since the American-led security plan for the city took effect two months ago.

Two days ago, the Boston Globe noted:

> The deaths raised to 85 the number of U.S. servicemembers who died in Iraq in April, making it the deadliest month for American troops since December, when 112 died.

According to the Associated Press:

> Outside the capital, 1,504 civilians were killed between Feb. 14 and Thursday, April 12 compared with 1,009 deaths during the two previous months.

It is time to transition our mission in Iraq from that of policing a civil war. Our troops are trained for combat, not for refereeing warring factions with a long and complex history. It is time to focus on strengthening America's security and bringing our troops home.

Transitioning the mission should center on three realistic and achievable goals for our military: Training and equipping Iraqi security forces, conducting targeted counterterrorism operations, and protecting our remaining U.S. forces and interests in Iraq.

The second part of the equation is a surge in diplomatic and political efforts. This is a necessary task the President has refused to undertake. America alone does not own the keys to Iraq's future. Iraq's neighbors must help as well. They should play a larger role in training the Iraqi military and police and in reconstruction. They should play a larger role in convincing Iraqis they must make compromises and take responsibility for their future. Without a targeted and serious regional effort to stabilize Iraq, the country's future will remain in question.

The cause of continued insecurity and destruction has not been our military, but, rather, the political and policy failures of a President who has hid in his bunker and stubbornly refused to pursue a strategy needed to bring stability to Iraq.

As we all saw vividly in November, the American people have lost patience with the President's go-it-alone strategy. It is simply wrongheaded to continue on with an open-ended commitment to an Iraqi Government that has repeatedly failed to meet deadlines and to take responsibility for their own country.

The supplemental bill we will send to the White House requires the President to send a report to Congress by July 1 of this year certifying whether Iraq is meeting responsible benchmarks. The American people deserve to know if the sacrifices made by our troops are being met by the Iraqi Government.

Specifically, the American people deserve to know if the Iraqi Government has given U.S. and Iraqi security forces the authority to pursue all extremists, including the Sunni insurgents and the Shia militias.

The American people deserve to know if Iraq is making substantial progress in delivering necessary Iraqi security forces for Baghdad and protecting those forces from political interference.

We deserve to know if Iraq is intensifying efforts to build balanced security forces throughout Iraq that provide evenhanded security for all Iraqis.

Specifically, we deserve to know if the Iraqi Government is making substantial progress in meeting reconciliation initiatives, including enacting laws to equitably share oil revenue

among all Iraqi regions, whether they are adopting laws for provincial and local elections, whether they are reforming their laws banning members of the Baath party from public service, and whether they are shouldering the cost of reconstruction through allocation of oil revenue.

Those are reasonable benchmarks Americans should require of Iraq if we are asking our young Americans to put their lives on the line. That is why Congress is about to send this supplemental request to the White House with language that begins the phased redeployment of our troops no later than October 1 of this year, with a goal of removing all combat forces by April 1, 2008—with the exception of those who will remain to train and equip Iraqi security forces, to continue targeted counterterrorist operations, and to protect our remaining U.S. forces.

From sending our troops to war without critical armor, to housing them in squalor at Walter Reid, to leaving them to fend for themselves when they need mental health care, the Bush administration has utterly failed our servicemembers, our veterans, and their families.

As we rightfully change the mission of our troops in Iraq and prepare to redeploy, we cannot—and we must not—forget about our veterans when they come home. Nowhere is that failure more apparent than in the handling of what will one day become known as the signature wound of this war: traumatic brain injury. It is now estimated that 10 percent of Iraq and Afghanistan veterans have suffered traumatic brain injury during their service in Iraq and Afghanistan. One of the biggest problems with traumatic brain injury, or TBI, is that it is an unseen wound. Often, because of that, it is misdiagnosed. In too many cases today, unless a servicemember is involved in an IED incident and is bleeding, he or she is not documented as even having been involved in that explosion, if he was 100 yards away or 200 yards away. So as a result, the actual number of OIF and OEF veterans with TBI could be even much higher than the statistics today even indicate.

Now, I know many of us are familiar with ABC News anchor Bob Woodruff's experience with traumatic brain injury. I personally was moved by Bob's struggle with his injury. His family had unrelenting hope for his recovery, and their ongoing work toward triumph was so apparent throughout this horrible situation. Bob Woodruff has seen a tremendous recovery from his horrendous injury, but I fear the care he received has not been duplicated today for thousands of other troops with similar injuries when they have returned home.

He detailed for us several cases of soldiers who were suffering from injuries, not unlike his own, and the lack of care they received when they left flagship care centers for our smaller, local hospitals.

Our wounded warriors and our veterans have faced massive budget shortfalls. They have faced horribly long waiting lines and sickening hospital conditions. But this administration continues to be reactive to this problem to this day. It is time for that posture to end. Taking care of our troops, taking care of our veterans, taking care of their families has to be a part of the cost of this war.

When it comes to caring for our troops and our veterans, this administration—from the White House, to the Pentagon, to the Department of Veterans Affairs—has consistently waited until conditions reached a critical stage before taking action to remedy them.

In this supplemental conference report we are sending to the President, Congress is saying: Enough is enough. We are finally providing more funding for our troops than even the President himself has sought. The bill we are sending includes over $100 billion for the Department of Defense, which I should note is nearly $4 billion more than the President's request for our troops. We provide critical funding for vehicles that will help our troops be protected from these horrible IEDs.

This military has also been brought to the brink by a President who has, time and again, extended their tours and called upon our National Guard and Reserve to join combat brigades in Iraq. This supplemental bill will rebuild our overburdened military and calls for an end to the deployment of nonbattle-ready troops. It provides $1.8 billion for the VA to provide first class health care to our wounded and $2.5 billion for military health care.

For the last 4 years, this administration has conducted this war with little regard for the tremendous strains it is placing on the VA, on our veterans, and their families. Today, we are putting an end to their neglect. The days of ignoring our wounded warriors as a cost of this war are over.

As the President acknowledged in a speech last September, our terrorist enemies are more dangerous than ever. On that point, the President is correct. Unfortunately, he fails to acknowledge that terrorists are rapidly growing and gathering strength outside of Iraq, and he fails to acknowledge that having our forces in the middle of a civil war is making Iraq sap our ability to combat terrorism in other parts of the globe. It is clear that terrorist cells with heavy anti-American bents are gaining power and continue to grow in places such as Afghanistan and Pakistan. If we turn a blind eye to those anti-American cells and focus only on Iraq, the consequences for America's future security are dire. By redeploying our forces, we can reconcentrate on the war on terror. We can devote our resources toward pursuing those who would do America harm.

As we deal with the situation overseas, we cannot neglect our needs at home. That is why the supplemental bill provides $1.8 billion for veterans health care; $20 million to repair Walter Reed Hospital; $6.9 billion to repair the gulf coast after Hurricane Katrina, long past due; $650 million for the SCHIP children's health program; and $2.25 billion to secure our homeland, a vital need—securing our ports and borders, transit security, screening for explosives at airports—vital needs that are included in this bill.

Somehow the White House is claiming that all of those investments are unnecessary. I think most Americans would disagree. I know most Americans want us to take care of our citizens at home.

In recent weeks we have heard some false claims about the supplemental that I want to take a moment to correct. First of all, we are moving this bill to the President at a rapid pace. In fact, we are moving even faster than the Republicans did last year and the year before that.

Secondly, we are doing our job in meeting the needs at home. Anyone who thinks that domestic needs should be ignored in an emergency supplemental ought to look at the last four supplementals, all written and passed by a Republican Congress signed by a Republican President.

The emergency supplementals approved by Republican Congresses in 2003, 2004, 2005, and 2006 included funding for domestic needs. Interestingly, during those years, the President never complained about domestic funding in supplementals.

As our Government spends billions in Iraq, I believe it is our job to also meet our needs at home. If the President vetoes this bill, he is going to have to explain to the American people why he is delaying funding to our troops overseas, why he is blocking funding to care for our injured troops, why he is ignoring the will of military experts, the Iraq Study Group, and the American people. He is going to have to explain why he is ignoring the needs of our hard-hit communities that are struggling to recover and why he is standing in the way of security needs at home that are so critical.

Congress has agreed to a supplemental bill that shows our troops they come first. The President has repeatedly reminded Congress that he is the Commander in Chief and he is the one with the authority to make the military and policy decisions that impact not only our troops and veterans but the well-being of our gulf coast, our borders, and the future of America's security. The President is alone in his bunker. If he truly cares about getting this funding to our troops as soon as possible and providing them with the supplies and the health care and direction they deserve, he will quickly sign this bipartisan supplemental bill.

Mr. President, 1600 Pennsylvania Avenue is just a short distance from Capitol Hill, but if the President vetoes this sensible legislation to give our troops a successful path forward in

Iraq, then he is miles away from the will of the American people whom he serves.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized. Only 1 minute remains on the Democratic side.

IRAQ SUPPLEMENTAL CONFERENCE REPORT

Mr. FEINGOLD. Mr. President, I strongly oppose President Bush's statements that the Democratic leaders are trying to use the current emergency supplemental bill to make a political statement. Congress is acting on its mandate from the American people, who used their votes last November to register their opposition to the war in Iraq.

The President has repeatedly made it clear that nothing—not the wishes of the American people, not the advice of military foreign policy experts, not the concerns of members of both parties—will discourage him from pursuing a war that has no end in sight and that has no military solution. With our heroic troops stuck in an Iraqi civil war, Congress cannot wait for the President to change course. We must change the course ourselves.

Once again, President Bush is stalling for time as he threatens to veto a bipartisan bill that could finally change the course in Iraq.

Although the conference report does not go as far or move as quickly as I would like, it is an important step toward ending the President's misguided policies in Iraq. It requires the President to begin redeploying U.S. troops from Iraq, while permitting troops to remain in Iraq for defined and narrow purposes: To protect U.S. personnel and facilities, to engage in ''targeted special actions'' against al-Qaida and their affiliates and to train and equip Iraqi forces. The vast majority of our troops would have to be redeployed, thus bringing to an end our current involvement in what may be the greatest foreign policy blunder in American history.

Some of my colleagues may still feel we should defer to the Commander in Chief. But these arguments disregard our congressional responsibilities. Congress authorized this war and we have the power and the responsibility to bring it to a close.

We have a responsibility to end a war that is taking away resources from our top national security priority—the global fight against al-Qaida and its affiliates. Let me remind my colleagues that this is indeed a global fight—focusing so much of our resources on one country against an enemy that operates around the world is shortsighted and self-defeating.

I am not suggesting that we leave the Iraqis to their own devices. There are many serious and troubling political problems in Iraq that are driving the insurgency and sectarian struggle and they require the attention of U.S. policymakers. But they will not be solved by an open-ended, massive military engagement.

Instead, we need a strategic approach to redeployment and a global strategy to defeat the threats posed by terrorist networks. As long as the President's Iraq policy goes unchecked, our military will continue to put their lives on the line unnecessarily, our constituents will continue to pour billions of their dollars into this war, our military readiness will continue to erode, and we will be unable to develop a strategy to truly confront al-Qaida.

If the President vetoes this bill, he will be rejecting the wishes of the American people and the imperatives of our national security. I will oppose any efforts to send a weaker bill to the President's desk and I will continue to speak out on this issue until the voices of the American people are finally heard in Congress and the White House.

Mr. GRAHAM. Mr. President, we have 30 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct, there is 30 minutes remaining.

Mr. GRAHAM. Would the Presiding Officer let me know when 10 minutes have passed?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

IRAQ WAR SUPPLEMENTAL

Mr. GRAHAM. The President will veto this measure. He should. It is one of the worst ideas to ever come out of the Congress in the history of warfare that the United States has been engaged in. It sets a date for withdrawal. I think it is October. It intrudes on the President's Commander in Chief role. It is letting the enemy know exactly what they have to do in terms of date and time to win in Iraq. Everyone who dies waiting on the time to pass, what have they died for? What have they been injured for?

What I would like to point out is that we should talk about those who have lost their lives in Iraq wearing the uniform, and civilians included, who have been serving our country. But we shouldn't use their deaths as a reason to withdraw from a war we can't afford to lose—and we have not lost. We should be honoring their service and their sacrifice, their ultimate sacrifice, because they are standing for our national security interests. Why do they serve? Why do they go to Iraq? Why do they keep reenlisting in the Iraqi theater and the Afghan theater at a higher rate than the military as a whole? What do they see about Iraq that people here in the Senate are blinded to? Why would they keep going back to a war they believe is lost? Why would they go three and four times? Why would they enlist at levels beyond any other group in the military?

Because they know after having gone that if we win in Iraq, their children, their grandchildren, the Nation as a whole is more secure. And if we lose in Iraq, the war is not over, it just gets bigger, and the likelihood of their children being involved in a war in the Middle East goes up, not down. So that is why they go. That is why they are not withdrawing. That is why enlistments are up, not down, because they get it.

The Senate doesn't get it. The Democratic leadership doesn't get it at all. Blinded by a dislike of this President, they can't see clearly what is going on in Iraq. Whether we should have gone or not is over; we are there. There are other people who are there who would like to win this war. Al-Qaida is there in large numbers, trying to kill this infant democracy, because they know if a democracy can flourish in Iraq, their agenda has taken a mighty blow.

How are they trying to drive us out? By killing civilians and coalition forces in as large a number as they can muster.

So is it going to be the foreign policy of the United States when it comes to fighting terrorism that if they can kill enough of us—whatever that magic number is—we leave? You win? Do you think for one moment declaring Iraq lost makes us safer? There is sectarian violence in Iraq, but there are plenty of people of the Shia, Sunni, and Kurdish persuasions that want the same thing for Iraq that we want. There are Shia extremists who want to align with Iran. There are Sunni extremists who want to come back in power and have the good old days of Saddam. They are in the minority. There is not open civil war in this country. There are extremists groups representing the Sunni and the Shia sects that are trying to change Iraq for their purposes, bend Iraq to their will, against the majority of Iraqis, and in the middle of these sects is al-Qaida. In the middle of these sects is Iran.

Why is Iran playing so hard in Iraq? The biggest nightmare to this Iranian theocracy would be a democracy on their border, where different groups would live together, where a woman could have a say about her children, where people could vote for their leaders, not be dictated to from on high. That is why they are playing in Iraq. That is why al-Qaida is there.

The question is, Why do we want to leave? It is tough to watch young Americans killed and maimed in war, but we didn't start this war. War is inevitably about young people getting hurt and getting killed. That is why the world—after so many thousands of years, it seems as if mankind would have learned that war is not the way, but we haven't learned that lesson as mankind. The people who attacked us on September 11, 2001, there will never be a surrender document negotiated with them.

Iraq was about replacing a dictator who was trying to make a joke of U.N. inspections, trying to make the world and his neighbors believe that he was acquiring weapons of mass destruction.

It was a dictatorship that was sending money to suicide bomber families in Palestine. It was a dictatorship that was making everything in the Middle East harder. It was a dictatorship that was shooting at American airplanes every day in violations of U.N. agreements. It was a dictatorship that is now in the ash dump of history. From this dictatorship we are trying to do something new and different for the Mideast, and it will inure to our benefit greatly as a nation: create the ability of different people from different backgrounds to vote for their leaders, to live under the rule of law, and not the rule of the gun. That makes us safer. It changes the Mideast, and it is a great blow to the terrorists. That is why they enlist. That is why they keep reenlisting. That is why they are dying.

Now, our majority leader, Senator REID, who is a fine fellow, and I have enjoyed working with him, has made a colossal mistake for the ages by declaring this war lost. Not only does it run against the grain of the way Americans feel about combat when our Nation is at war, it runs against the reality of the consequences of having declared the war lost. To me, it shows a lack of understanding of what that statement means because when you say the war is lost, the next question to ask is, if we lost, who won? In war, there are winners and there are losers, and if the majority leader has declared us the loser, then the question needs to be asked by the world and this country: Who won that war in Iraq?

Well, I will tell you who will claim credit for winning the war in Iraq—al-Qaida. They will put on their Web site and in their propaganda to anybody who will listen: We won in Iraq. I guarantee you, if we lost, they won. Do you feel comfortable with that as a Senator representing the United States of America? I don't.

Who else won, if we lost? The Shia extremists who are trying to turn Iraq into a theocracy aligned with Iran. Does that satisfy you as a United States Senator? Is that OK with you? It is certainly not OK with me. The Sunni extremists, they won, the ones who are trying to take Iraq back to the good old days of Saddam.

Who are the biggest losers beyond us? We know who the winners are, the extremists in Iraq and al-Qaida, the ultimate extreme group. If you believe giving these groups Iraq makes us safer, you know nothing about human behavior or history as a whole.

This is not Vietnam, I say to my colleagues. This is the 1930s all over again where we have world leaders trying to appease a tyrant—give him Czechoslovakia, give him one more country, him being Hitler. Did that satisfy his appetite? The moral of the story is that when we let tyranny go unchecked, when we give into the dark forces of humanity, when we allow people who slaughter the innocent to win wars, we don't end their desire, we whet their appetite.

We have not lost this war. We will never lose this war as long as we have the will to win. If we have half the political courage as those who reenlist and go back three and four times, or the physical courage, there is nothing we can't accomplish in Iraq.

Some people worry about their next election, and they are trying to get right with the polls. My focus is on those who reenlist time and again and who are literally sacrificing everything they have to offer to their family and to their country.

So when we mention the death of someone wearing the uniform in the service of our Nation as a reason to withdraw from a war we cannot afford to lose, shame on this body. This bill will be vetoed. This new general, General Petraeus, is committed to winning, has a plan to win, and the question is, Are we going to undercut him?

If you passed the legislation and this legislation went to the President's desk and he did not veto it, then you would be cutting the legs out from under General Petraeus. You would be making everything that he is doing impossible to accomplish because you would change the dynamics on the ground so he would have no chance. And, yes, it is working. Violence is part of the 21st century. Israel lives with this every day. They don't let suicide bombers define the fate of Israel.

Are we going to let suicide bombers define the foreign policy of the United States? If we give them Iraq, you better double the size of the military because we are going to go back with a bigger war, not a smaller war. So I hope once the President vetoes it, we will understand that this new general with a new strategy is our best chance for success—with no guarantee because we have made so many mistakes in the past.

The biggest mistake was not having enough people to secure the country. If we want political reconciliation, which we know we have to achieve to win in Iraq, how can we have it without security? Why don't we have security? We let the country get out of control. We didn't have enough troops on the ground or enough capacity to train and fight.

We are doubling the size of the combat capability in Baghdad, and it is working. Mr. President, 16 of the 21 sheiks in Anbar Province have rejected al-Qaida and aligned with us. Six months ago, Al Anbar Province, where the Sunnis live, I would have written off. But now it is the greatest success story of the new strategy. We are still losing people in Anbar, but we are fighting along with the sheiks to combat al-Qaida because they have seen what al-Qaida holds for them and they have said, no, they don't want to live under the al-Qaida banner. They have tasted it and it doesn't taste well. They are coming our way.

Four thousand marines in Anbar province are making a huge difference. The sheiks, the tribal leaders, called for the young people of Anbar Province to join the police—before, we could not get anybody to join the Iraqi police—and they came in such large numbers that hundreds were turned away because we could not process them. Diyala is a result of success in Baghdad. Al-Sadr left Sadr City because we are in there now and are going to places we have never gone before. The mayor of Sadr City aligned with us, and they tried to kill him. He is in the hospital clinging to life. He tasted what the Shia extremists had for his people, the Shia, and he said no.

The only people I know of right now who seem to believe walking away from the fight in Iraq doesn't have severe consequences for the world are the ones in this body. I cannot envision a failed state in Iraq leading to a more secure United States. I cannot envision walking away from Iraq, declaring the war lost, not empowering al-Qaida beyond any other single event that we have engaged in since 9/11. The consequences of destroying General Petraeus's chance to be successful are enormous for the national security interests of this country.

Declaring a war lost by the Senate majority leader is unprecedented, ill-advised, and it is something we need to quickly correct because if we have lost, the people who will claim victory are our worst nightmare. We will be sending young men and women back to the Middle East to fight extremism in other countries as far as the eye can see or we can give this new general a chance to be successful, give him the time, the money, and the resources he needs to be successful, honor each death as a noble sacrifice for the cause of our freedom—for our own freedom, for the alignment of moderation against extremism—or we can let the car bomber and the suicide bomber drive us out of Iraq. We can let them dictate our foreign policy.

If we do that, we can come back home thinking we are safe, but we will have unleashed Pandora's box. The Gulf States are next if we lose in Iraq, and then eventually Israel. The consequences to our national security interests could not be greater.

Americans understood what it was like to live without freedom 200 years ago. That is why they died for it. There are people in the Mideast getting a taste of it. Let's side with those who believe in freedom against those who want to take us to the dark ages.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business on another subject for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST RESPONSE BROADCASTERS ACT

Ms. LANDRIEU. Mr. President, I rise today not to speak about the Iraq war or the supplemental, which has been the focus of this morning's debate. I will return to the floor later to speak on both of those subjects. I wanted to take a minute this morning, while we had some time, to speak about a bill I intend to introduce later this week with my cochair, the ranking member of our new Subcommittee on Disaster Recovery, Senator TED STEVENS from Alaska, and other members of my subcommittee, Senators CARPER and PRYOR, as we begin to lay down pieces of legislation that are apparent and necessary to improve the general disaster response for this country, which has been found to be severely lacking.

The bill I will introduce later today is called the First Response Broadcasters Act. It is a piece of legislation, as I said, I will be filing with other members of my subcommittee.

As my State continues to rebuild out of the rubble and destruction and devastation of the first and third worst natural disasters to hit the country, and the subsequent levee breaks that filled up a major American city within 24 hours and continues to wreak havoc on those struggling to get home and rebuild their lives, we learned one of the most vital lessons was that information—good information, accurate information—was not only vital, but it was essential as the first building block to our recovery. In providing it, all of our local media—broadcasters, Web sites and newspapers—did an amazing job to keep the people of Louisiana and our region and the gulf coast informed. Frankly, they also kept informed the Nation and world community that was aghast at what was happening in south Louisiana and the New Orleans region from Katrina, and in the Southwest region from Rita 4 weeks later.

With phone lines down, cell phones out, and streets too flooded to move around to get any kind of perspective about what was actually happening, and where the 4 to 20 feet of water was coming from, when we had never seen anything like that in the history of our city, the sound of local radio and television stations was what hundreds of thousands of my constituents relied on. It was the only voice for them in the first darkest days and nights, and it continued for weeks and months. Actually, Mr. President, it continues to this day. And because of the credibility of our local broadcasters at a time when the public needed them, they were there. Our local broadcasters provided lifesaving information.

As you will recall, we have lost over 1,000 lives in Louisiana and over 200 lives in Mississippi. But many lives, I am convinced, were saved because broadcasters, having lost their own stations, their own equipment, their own homes, and with their own loved ones missing, stayed on the job. More importantly, they stayed on the air so the reporters could report what was happening, and even those of us in powerful positions could get a better handle on the situation.

As local radio and television stations stand up, as so many did, and put commercial interests aside to serve the public interest, the Federal Government, in my opinion, should be ready to stand up with them. That is what this bill is about. It is not a long or complicated bill. It really doesn't cost very much money. But it will have a major impact as this Nation tries to fashion better responses for our country. We are in desperate need of new tools, new tool boxes, and this is one of them.

In fact, for more than 50 years, we have required local broadcasters to be at the front line of sounding the alarm in a disaster. With the entire industry dependent upon public airwaves, broadcasters have a duty to serve the public in times of crisis. That is what so many of them did.

This is why stations today are required by law to be part of the emergency alert system. At the system's core are 34 primary entry points, radio stations with direct lines from emergency command centers in Washington and in their State. But half of our States don't even have these entry points. To receive an alert in Mississippi, for example, you needed to rely on the message being passed on from station to station from an entry point in Louisiana.

One of the several things this bill does is add primary entry points to every underserved State and region to make sure every State has an equal chance to be well prepared when disaster strikes and to try to put their best assets forward. I have said many times that all the assets in the world, all the plans in the world are not worth the paper they are written on, or the text found on Internet Web sites, if you cannot communicate them at the appropriate time to the appropriate people in the appropriate order.

What good is a successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, a transmitter needs to be in the same area as the people in need of a warning.

Despite our Federal investment in emergency systems and entry point stations, there were several gulf coast broadcasters after the hurricanes who could not stay on the air simply because the Government, our Government, took their fuel away. Let me repeat this. The stations struggling to stay on the air, to tell first responders and others what was actually happening, to try to get their signals up, their electricity up, so when people in Washington kept asking what is going on, we could give some answers, the fuel was confiscated because some low-level FEMA person decided they had higher priorities.

When this bill is passed, local broadcasters will be on the list as first responders, and their food, water, and fuel will not be allowed to be taken away, so that the public can get the information they are desperate for in as independent and accurate way as possible.

It also creates a matching grant program. It also helps to bring broadcast engineers back into the disaster zone more quickly to restore transmitters and other key facilities.

No disaster warning evacuation plan or emergency instruction matters if it cannot get to the people who need to hear it. That is basically why this bill is so important.

Finally, the bill is very important for the journalists, who depend on all of this equipment, technology and access to do their job, which is to report the story in as accurate a fashion as they can to the public that needs to respond, as well as the first responders themselves, and to Government leaders.

For journalists working to tell the story, newspapers and Web sites included, the bill makes sure that the local officials who know the local reporters best decide where the journalists can go, who can go and how long they can stay.

Again, there will be no longer a contract, part-time FEMA official directing the news media or the broadcasters. The law will govern their basic rights, put them on the right list, make it clear they themselves are first responders and, in this Senator's view, extremely important first responders.

I am extremely pleased to have Senator STEVENS join me. This is a bipartisan bill. It is not complicated, it is rather simple, but critical as we begin to stand up a better disaster response this country is certainly most worthy of. The people of Louisiana, Mississippi, Texas, Florida, and other parts of the country are still suffering from disasters that in split seconds, in minutes, sometimes in a few hours, dash the hopes and dreams of millions of Americans.

We cannot prevent tornadoes. We most certainly cannot prevent hurricanes. We cannot prevent earthquakes. We can do a better job of predicting them. But the most important thing we can do is to warn people and help people deal with these terrible tragedies that come their way.

In this Senator's view, we have a lot of work to do.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICA COMPETES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Pending:

Bingaman (for Sununu) amendment No. 938, to strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation.

Bingaman (for Sanders) amendment No. 936, to increase the competitiveness of American workers through the expansion of employee ownership.

AMENDMENT NO. 938

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate with respect to amendment No. 938, with the time equally divided and controlled by the Senator from New Hampshire and the Senator from Massachusetts or their designees.

Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I understand under the order that I will control 15 minutes, and I believe Senator BINGAMAN will control 15 minutes in opposition.

This morning we have 30 minutes of debate on an amendment I offered yesterday afternoon. This amendment deals directly with the National Science Foundation, which I think many Members of Congress believe is the crown jewel for Federal initiatives, investment, and funding of basic scientific research—research in chemistry, mathematics, physics, material science—that provides benefits that are spread over countless areas of our economy, provides benefits over very long time horizons. This is basic research the markets don't invest in, venture capital firms don't look at. It is fundamental science carried out at the best laboratories and universities across America.

I worked at one time in my career as an engineer. I studied to be a mechanical engineer. I worked as an electrical engineer. I have a little bit of an understanding of some of the scientific principles these laboratories, scientists, and graduate students work on every single day. I certainly have enough appreciation for these concepts to recognize that no Member of Congress should be telling the professional leadership, the academic leadership at the National Science Foundation, which program should be funded on any given day, month, or year. That is why the National Science Foundation has a competitive process, a peer review process where ideas are submitted and approved by panels of experts in each of these areas.

As I say, it is competitive, it is free from politics, free from earmarks, the pet projects and pet policies of legislators, whether they are Democratic or Republican. They are insulated from those things, and that is why it has been so successful.

Unfortunately, in the underlying bill before us, there is for the first time ever a provision to set aside some of that money for a specific area of interest. It may be an interesting area and a very valuable area—the area of human resources and education—but never before have we set aside in legislation funding in this way: over $1 billion of the approximately $6.5 billion the National Science Foundation has to spend each year being set aside for this purpose. For the first time, it guarantees a specific authorization. For the first time, the legislation would guarantee a specific increase for this particular area in outyears. For the first time, and maybe even what I think is most fundamentally wrong, it says that because of these protections, this is a more important area. We don't provide this protection to chemistry or physics or computational mathematics. They do not get a designated allocation in this bill. They do not get a specific increase in funding year on year in this bill. But we give it to the area of human resources.

As I said, that is a worthwhile area for investment, the side of education, it can certainly make a difference, but when we start setting it ahead of, on top of, and at a higher priority than the physics, chemistry, computational mathematics, for which the National Science Foundation is not just designed but for which it is world renowned, we are making a huge mistake. We make a mistake not just because it is wrong to set it ahead of these other programs but it is a mistake because it sets us on the wrong path, because the next time we do legislation such as this, someone else is going to want to set aside funds for another initiative and someone else is going to want to guarantee an increase for another area of programming. Over time, we will undermine, weaken, and perhaps even destroy the integrity of the competition and peer review process that is at the heart of the National Science Foundation.

Those who will oppose this amendment will say this is about human resources and education and we care about those things. Well, I care about those things also, but it is still wrong to carve up the National Science Foundation funding in this way. Moreover, if we care about the education initiatives for science, technology, engineering, and mathematics, we should be looking at the report of the Competitiveness Council that categorized over 106 different science, technology, education, and math programs in 8 or 10 different agencies, and 34 of them are within the National Science Foundation, but a dozen are within the Department of Agriculture, 13 in the Department of Commerce, 9 in the Department of Education, 9 in the Department of Defense, 6 in the Department of Transportation, and so on.

Where in this bill did we look at these 106 programs to make them work better? Where in this legislation did we review which of these programs is most effective and most focused on encouraging students to pursue careers in science, technology, and mathematics? Rather than do that, the authors of this particular provision, section 4002, say, well, the National Science Foundation does work in these areas, so let's make sure they are guaranteed $1 billion a year and guaranteed increases over time.

I think that is the wrong approach to take. It is the wrong approach to take for the National Science Foundation. The scientists who are supported by that foundation have visited me in my office—I am sure they have visited with many other Members of Congress—and time and time again they have said, protect the peer review process, protect the investment in basic science and mathematics. That is what I intend to do as a Senator, and that is why I have offered this amendment to strike that provision that sets aside funds, that guarantees an increase, because it is not the right way to deal with the National Science Foundation.

Mr. President, I yield the remainder of my time.

Mr. BINGAMAN. Mr. President, obviously, I have great respect for my colleague from New Hampshire, and particularly because he is, I believe, the only trained engineer in the Senate, I certainly pay attention when he speaks on issues related to engineering and science, and I think we all need to do that. But I think he is clearly wrong in this circumstance, and let me explain why.

The Senator is offering an amendment to strike the provisions of this bill that provide for annual funding increases for education and human resource programs at the National Science Foundation. The purpose of the provision that is in the bill he wants to strike is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and math education at the elementary, secondary, and the postsecondary level.

This underlying bill, S. 761, provides for substantial increases in funding for the National Science Foundation, and the amount of those increases is contained in section 401. You can see for the next 4 years there are substantial increases. I would reiterate, as we have many times in this debate, these are authorizing levels. This is not actual appropriation of money. That is the heavy lifting which we are going to have to do later on this year. This authorizes, however, significant increases in funding for the National Science Foundation.

As appropriations for the National Science Foundation increase under this legislation, under S. 761, funds for the education and human resources programs will also increase by a proportional amount. We are not in any way

diverting funds from basic research or other activities of the National Science Foundation, and we are not specifying that they do things they have not traditionally done. The National Science Foundation has a very impressive record of accomplishment in education at all levels with regard to science, engineering, and mathematics.

The National Science Foundation is the engine of innovation for K–12 science, technology, engineering, and math education. Strengthening science and math education is a core mission of the National Science Foundation. This is not a sideline, this is a core mission. When the agency was founded, Congress recognized the importance of involving scientists in the critical questions relating to science education, and they made science education a key part of the agenda of that agency. The National Science Foundation programs range from graduate fellowships to programs for secondary school teachers, to informal museum programs. They are designed to attract students to science, engineering, technology, and mathematics. They are designed to give them the preparation and the fundamental knowledge they need to pursue undergraduate and graduate degrees, and they are designed to support the completion of those degrees.

The EHR, which is the education and human resources directorate within the National Science Foundation, also pursues ways for advancing participation and equity in access for all who are interested in pursuing careers in these fields. As a research and development institution, the National Science Foundation is uniquely situated to bring insights to science and math education, and that is the reason why we gave them that job.

The National Science Foundation education programs are a catalyst for change in education, and they have been demonstrated to do that. Let me give one example of a successful program, which is NSF's math and science partnership program. An analysis of 123 schools that participated in that program shows improvements in student proficiency in math and science at the elementary, the middle, and high school levels over a 3-year period. This year, the National Science Foundation's budget includes $30 million for these MSP, or math and science partnership, awards.

A recent report by the Academic Competitiveness Council found that of the 10 math and science education programs at various Federal agencies they evaluated, all 4 of the programs they found to be effective were being run out of the National Science Foundation. So the authorization level for education and human resources in this bill reflects what the President asked for in fiscal 2008, plus an adjustment of $300 million to allow for the new programs authorized in the bill.

Let me directly respond to the main points I understood my colleague from New Hampshire to be making. He started by saying no Member of Congress should be telling NSF how to spend their money, basically. We do that every time we pass an appropriations bill. We tell NSF how to spend their money. We also do it whenever we pass an authorization bill. The last time we passed the NSF reauthorization, which I think was 2003, we specified there precisely how much would go into education versus into other types of activities. So this is not in any way a change.

I think everyone in Congress knows the one thing we are good at is micromanaging. We do not give tens of billions of dollars to any agency and say do what you want. We tell them we want this much spent on research and development, and we want this much spent on education.

The one other point my colleague from New Hampshire made is we should not get into interfering with the peer review system, which is designed to ensure the best activities are chosen. We anticipated that problem and agree entirely with him. Section 4007 of this legislation, on page 183, is entitled ''Reaffirmation of the Merit-Review Process of the National Science Foundation,'' and it says:

> Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation (1) alter or modify its merit-review system or peer-review process; or, (2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

So there is nothing in the section the Senator would have us strike that in any way undermines the peer review system. That is certainly something I would not support doing.

I believe very strongly this is not a good amendment; that deleting section 4002, which is what the Senator's amendment would do, would be a substantial mistake, and I urge my colleagues to resist the amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 7 minutes remaining in opposition.

Mr. ALEXANDER. Mr. President, if you would let me know when 3 minutes remain.

I am trying to respect Senator SUNUNU's amendment, because he is a very careful student of these matters, and I am looking at the authorization bill, and I want to ask the Senator a few questions in a moment, if I may, and I will do it on my time.

I am looking at the authorization bills for fiscal years 2003, 2004, and 2005, which is the current authorization bill. In each of those years—the authorization bill—there is a number for specific authorized allocations for, first, research; next, for education and human resources, which is the area the Senator is objecting to; next, a specific authorized allocation for research equipment; next, for salaries; and next, for the Office of Inspector General. Then we go to 2004 and it is the same there. In each year, there is a specific authorized allocation for each area; one for research, one for education, and one for each of the others.

The difference in this proposed authorization is that for education it says the number. The allocation for education shall go up as much as the specific authorization for research. Would the Senator be more comfortable—and this is my question, through the Chair, if I may ask this—would the Senator be more comfortable if there were specific number allocations which are enacted now for future years? In other words, if we turn the percentages or the suggestion that it ought to go up the same amount and say, instead of that, we will take a number and insert it in there for each of those years? Because that is exactly the way it is done in the current bill.

Mr. SUNUNU. Mr. President, I am happy to respond. First, I would certainly be more comfortable if the guaranteed increases were struck from the bill, because that is a protection, a consideration for this area of funding that isn't given to other areas of funding. I would have concern about that allocation in past years, again because it puts this particular area in effect ahead of the different disciplines of chemistry, math, or physics. It treats it somewhat uniquely.

To the response on the point about appropriations, Senator BINGAMAN is absolutely right. Each year we do an appropriations bill that is much more specific than this, where, ultimately, allocations are made in the specific areas of research, chemistry, or physics. That is based, however, on a request by the National Science Foundation itself in front of that Appropriations Committee. It is based on an exchange for that given year.

I would agree with you, the peer review process needs to be protected. We shouldn't be specifying in authorizing language—even if you make the point it is not meaningful because it is only an authorization—we shouldn't be specifying how much money we are going to allocate to superconducting materials in 2008 or how much funding we are going to authorize for plasma physics in 2009.

We should be much more responsive than that, not prejudge what the needs of the National Science Foundation are going to be in the outyears.

Mr. ALEXANDER. Mr. President, I will take 30 seconds, if I may. I think I am reading this differently than is the Senator. I am reading the authorization language for the year 2003, 2004, 2005, 2006—the existing law, there are specific authorization allocations for each year, not just for education but for research and for research equipment and for salaries and expenses. It goes up each year in the authorization language that exists today. So we are reading a different bill. I will be happy, if I am a part of any conference discussion, if it would help with his concerns,

to translate the ''as much as'' into specific numbers, if other Senators agree with that.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use a portion of my time to address a particular point; that is, equipment. I fully recognize that equipment is different from funding for specific research. Capital equipment, infrastructure, buildings—those are going to receive separate allocations year on year, and they are going to receive separate authorization numbers. But I come back to this issue of whether we are going to treat the human resources area differently by protecting annual increases and whether we are going to ensure that in the future we maximize the resources available to the National Science Foundation for its core mission of research, of investment in math, science, and engineering research projects. I understand the education role. I understand that is part of the mission of the National Science Foundation, and I support that effort. But I think we need to be very careful before creating long-term setasides for an area such as this.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. How much time remains for the Senator from New Hampshire?

The PRESIDING OFFICER. A little over 7 minutes.

Mr. BINGAMAN. Let me use the remaining 2 minutes in opposition to the Senator from New Hampshire, and then the Senator can obviously use as much time as he would like.

Let me just reiterate that I think this section which he is proposing that we strike is an important section to retain in the legislation. This is something which is a direct outgrowth of what the Augustine Commission recommended. They recommended that we increase funding for the National Science Foundation and that we ensure that the National Science Foundation substantially increase its efforts with regard to science education. That is what this provision does. That is what this section of the bill does. It says we want to increase authorization for the National Science Foundation, and as we are doing that, we want to be sure there is adequate funding, there is adequate attention given to science education.

I believe, if there were a single thing which the National Academy of Sciences report concluded, it is that we are investing way too little as a country in science and engineering and math education across-the-board—in the Department of Education, in the Department of Energy, in the National Science Foundation, in our schools, elementary and secondary and postsecondary and universities.

This is an important provision. We should keep this in the bill. I know it is very important to Senator KENNEDY. He was very involved in the discussions that went into the drafting of this portion of the bill. As a member of his committee, I strongly object to us deleting this section of the bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. I wonder if the distinguished Senator will yield?

Mr. SUNUNU. Mr. President, I am happy to yield 4 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will ask that it be taken off the bill, not off his time.

The PRESIDING OFFICER. That time has expired. Without objection, it is so ordered.

Mr. DOMENICI. Very briefly, I wish to say to the Senator that he has made an eloquent presentation and he has certainly shown people that he understands what the National Science Foundation is supposed to do and what it does. But there is no question that it does two things at least and, in most cases, more. It does research, but it also does education. That is enumerated in the year we are in and enumerated in the outyears. That, along with other activities, including research that the Senator is worried about, is enumerated and protected by an actual appropriation; that is, the thing that worries him is the one that should worry all of us, and that is the adequacy and assurance of research and that it will not be gobbled up or picked at as time changes.

It seems to me we did it right here because we earmarked, in a sense, all the different areas and put the two worrying him the most—both of these are there. Both research and education are there. It seems to me that is what we want to do. I don't know how you could do it any other way and we be able to tell the Senators who helped us put this together that they are protected for science research and for education. That is really what we are trying to do because they worked hard on it. They thought this was an area of importance. We agreed with them. It turns out, as Senator BINGAMAN said just two moments ago, it is true, this bill is beginning to sound right because it is saying we were really hurting on basic science, and this is an area, the National Science Foundation, an instrumentation of our Government, which has been doing very well and we want to give them a lot of extra money if we want to do this, a bill like this, for our country.

I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, in closing, let me thank the Senator from New Mexico for his points. I certainly appreciate the commitment I have heard from everyone who has spoken this morning about the value of the peer-review process, the commitment to this critical role of research, basic research within the National Science Foundation, the desire to make sure we are not giving special treatment, unique treatment to any particular area within the National Science Foundation, notwithstanding the fact that in this legislation, there are guaranteed proportional increases for human resources in the educational area. Of course, I have to take every Senator at their word, but I very much appreciate the word and commitment given here to continue to champion and protect the integrity of the peer-review process moving forward.

Second, I reiterate that there is very little done that I can see in the legislation to look at the existing science, technology, education, and math programs within our Government. There is support for those programs and even creation of some new programs in this legislation, but very little is done to follow up on findings we have in front of us about weaknesses and duplication and overlap in these programs and the need to make them work better for those math, science, and engineering students whom they are intended to benefit. I encourage my colleagues to continue to pursue these very questions as this bill moves off the floor and into conference.

I understand there were a lot of sensitive issues and committee jurisdictions and tradeoffs that had to be made in constructing the legislation. I understand the managers of the bill are not going to support my amendment. But I think the message this amendment carries is an extremely important one. I hope it will be heeded, not just in deliberations over the coming year when we are dealing with math and science and the National Science Foundation, to protect what makes it work, but also as this legislation moves to conference.

I yield any time I have remaining.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—24

Allard	DeMint	Kyl
Bunning	Graham	Lott
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Sununu
Cornyn	Hutchison	Thomas
Craig	Inhofe	Thune
Crapo	Isakson	Vitter

NAYS—74

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Inouye	Roberts
Brown	Kennedy	Rockefeller
Brownback	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Stevens
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Corker	McCaskill	Webb
Dodd	McConnell	Whitehouse
Dole	Menendez	Wyden
Domenici	Mikulski	

NOT VOTING—2

Johnson	McCain

The amendment (No. 938) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just get the attention of Senators for a minute. We made good progress on this bill yesterday, and then, of course, we just had a vote this morning. We are anxious to try to complete this bill before this briefing which is scheduled with General Petraeus at 4 o'clock this afternoon, if we possibly can. So we would be very appreciative if Members would come to the floor with any amendments they have and offer those amendments and take a short time to explain them. For any of them it appears we can accept, we are glad to try to accept them. Some we will not be able to accept. But we are anxious to get any additional amendments any Senator wishes to have considered brought to the Senate floor as soon as possible.

I believe both Senator DOMENICI and Senator ALEXANDER want to say a word, and then I believe Senator SANDERS wishes to speak to his amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just want to second that motion as to what Senator BINGAMAN just said and ask Senators on my side of the aisle to take a look, as soon as you can, with your staffs at this bill and tell us whether you have amendments. If we are going to finish at a time certain, we do not want everybody to come down at 4 o'clock and complain. We have a lot of time, but it will be useless if Senators do not bring their amendments down. We know there are some floating around, but we certainly do not have an adequate understanding of how many Senators have. It would be helpful if Senators would send us a message that they have amendments and what they amount to. We will work with Senators so we can get them done quickly.

Mr. President, I thank Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 936 WITHDRAWN

Mr. SANDERS. Mr. President, I intended to have considered an amendment I have offered, which is a very important amendment, which would provide assistance from the Department of Commerce to workers, to employees who want to move forward in terms of ESOPs, employee stock ownership plans.

At a time when we are losing millions of good-paying blue-collar manufacturing jobs, white-collar information technology jobs, it seems to me that the ESOP concept, the worker-ownership concept, is, in fact, an important model the U.S. Government should be exploring in terms of how we help those workers purchase their own companies and keep jobs in the United States of America.

I understand there is a problem with jurisdiction. The chairman and ranking member of the Banking Committee would like to work with me on this issue. I think we would like to go forward in terms of holding hearings and then coming forward with some legislation, which seems to me to be a sensible idea.

What I would like to do is, if I could, yield to the chairman of the Banking Committee, Mr. DODD, and then maybe to Ranking Member SHELBY.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. I thank my colleague for his consideration.

For those of us who remember the days of Russell Long talking about the employee stock option plans, we all were lectured considerably during our tenure here with Russell Long, who was a strong advocate of the idea of employees being able to have an invested ownership in companies.

I applaud my colleague from Vermont for this idea. It is one that certainly deserves consideration. I have told my colleague from Vermont I will be happy to either conduct the hearing myself or have an appropriate subcommittee conduct it, and be involved with it, as well as the Banking Committee to look at this.

The jurisdiction may also be in the Finance Committee. I know Senator BAUCUS has an interest in this issue as well, so I want to be careful about stepping on the toes of another committee that may have some piece of this as well as the Banking Committee. But it is an economic development issue, and I am sure, between Senator BAUCUS and myself, we can conduct a hearing that will complement both committees' jurisdictions.

Mr. SANDERS. Mr. President, if my friend will yield briefly, Senator BAUCUS is a cosponsor of this legislation, along with Senator LEAHY and Senator LINCOLN.

Mr. President, I yield back to the Senator.

Mr. DODD. Mr. President, I thank my colleague for his observation. I see my friend from Alabama is in the Chamber, the former chairman of the committee, my ranking member, who cares about this issue as well. I know of his interest in the subject matter.

So we will move forward on this issue in a timely fashion to see if we can have a good hearing and develop further interest in this idea, which I think has great merit. I thank the Senator for raising it.

Mr. SANDERS. Mr. President, I yield to my friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank my colleague for yielding.

As Senator DODD said, we are all interested in promoting the economic interests of our workers. The ESOP program, employee stock ownership program, has helped a lot of workers create wealth, save jobs, and save companies in this country.

I know this is probably a subject matter for a number of committees, but Chairman DODD said he would hold a hearing on this in the Banking Committee. I join with him in working on this issue. If this or some other legislation like this will help people own companies where they work, I think that is good for America.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I very much thank my friend from Alabama and my friend from Connecticut. We look forward to working with you.

Mr. President, at this time, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that on Wednesday, today, April 25, at 2 o'clock, the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of myself or my designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered

under this agreement prior to the vote; and that the second and third votes in the series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am glad to accommodate the Senator from West Virginia. He asked if I would restate the unanimous consent request. I am glad to do that.

Mr. President, I ask unanimous consent that on Wednesday, April 25, at 2 p.m., the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of Senator BINGAMAN or his designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; and that the second and third votes in this series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, in Ecclesiastes, the Preacher warns:

> The race is not to the swift, or the battle to the strong, nor does food come to the wise, or wealth to the brilliant, or favor to the learned; but time and chance happen to them all.

America is used to being the swiftest. We are used to being the strongest. America has become used to winning the race. We have become used to receiving the cream of the world's wealth. But we would do well to heed the warning of Ecclesiastes, for time and chance will happen to us, as well.

New global competitors have entered the race. Over time, they are growing stronger and more learned. America cannot leave winning the race to chance. We must redouble our speed. We must redouble our learning if we are not to fall behind.

That is why I started in June of 2005 delivering a series of addresses on America's economic leadership. That is why, during the last Congress and this one as well, I have introduced a series of bills addressing American competitiveness. Those bills dealt with education, with energy, with trade, research, and savings. That is why much of the work of the Finance Committee this Congress this year will address America's economic competitiveness.

The Finance Committee will shortly mark up education tax incentives. We will follow with tax incentives for cleaner and more renewable energy. This year we intend to extend trade adjustment assistance, and we hope to address small business health concerns as well. Each of these bills will help American businesses remain the world's leaders.

The bill before us will help, and it will help a lot. The bill before us will promote excellence in education, technology, and science. I hope to contribute a series of amendments to this bill. Each, I believe, will bolster America's economic competitiveness.

A noted MIT scholar once commented that:

> The ability to learn faster than your competitors may be the only sustainable competitive advantage.

Having an educated workforce able to learn and adapt is a cornerstone of a competitive agenda.

My first amendment thus encourages States to incorporate 21st century learning skills into their curriculum. This amendment would help our school systems teach skills to America's students that will best prepare them for tomorrow's economy.

America faces a world more integrated, more interdependent, and more competitive than ever. It is our challenge to succeed in this environment. It is our challenge to leave our children and grandchildren with an economy that is better than the one which we inherited. We must meet this challenge.

Meeting this challenge starts with addressing education in a new way. This bill is just a beginning.

We must change the way we look at education. As policymakers, we tend to look at our education challenge like a multiple choice test. We want to choose between a few simple options—more science and math classes, more AP classes, or better teachers. But the answers are not as simple as ''A,'' ''B,'' or ''C.''

We must look at our challenge as if it were a math proof. We must think through every step, to reach the end result. The process is as important as the outcome. The outcome must be appropriate for today's needs, but the outcome must also be appropriate for the needs of the future.

One hundred years from now—even 10 years from now—our society will be very different from what we see today.

If we find the right solution, our students will excel in school. If we find the right solution, our graduates will be ready to enter the workforce. If we find the right solution, America will retain its economic leadership. But if we look only for simple options, we may never reach a solution.

My first amendment will assist in the process of developing these solutions. My amendment will encourage school systems to think first and plan early. My amendment will encourage States to look at the big picture. My amendment will encourage States to look at education comprehensively.

My amendment encourages States to incorporate 21st century learning skills into the States' education plan.

Twenty-first century learning skills emphasize learning skills, collaboration, and communication skills.

Our students must know science and math, but more importantly, our students must excel in problem-solving and critical thinking skills. Our students must excel in financial, economic, and business literacy. It is these skills that students today will need to be successful tomorrow.

Our students must also be able to communicate effectively. Twenty-first century skills also include language learning.

This bill sets aside funding for foreign language programs, but in many rural areas like Montana there are not enough teachers. The way to help solve this problem is through distance learning.

That is why I also worked hard to include in the bill a provision to allow language funds to go to programs that use distance learning.

I am proud of programs such as the U.S. Arabic Distance Learning Network out of Montana State University. This program uses interactive video classrooms to allow two-way communication between the professor and students. This innovative solution is helping students to acquire important language skills.

We must look for more ways to be creative in our education methods. Our schools must adapt to new challenges. Our students must begin to learn the skills that companies need today, and students must learn the skills that companies anticipate needing tomorrow.

This bill is a piece of the process in solving the proof. I will continue working on this issue and I encourage my colleagues to do so as well.

Many of the proposals in these amendments and this legislation are good solutions for serious problems, but addressing our problems is not enough. We must also improve the way we identify them. We must improve our diagnosis.

Getting the right diagnosis is especially important to the most dynamic sector of our economy—the services sector. Our economy has evolved from agriculture and manufacturing to services. Services industries today comprise 80 percent of our economy. Since 1990, private services industries have added over 22 million jobs. In our international trade picture, services are a bright spot. Where we so often see deficits, America has a surplus in services exports.

To keep this sector vigorous in a global market, we must track its health and development. But we don't.

Today, the Bureau of Economic Analysis does not produce annual, State-by-State, sector-specific services export data. Tracking this kind of export data is critical to knowing where our strengths and our weakness lie. These data are critical to knowing where jobs are being created and how to build on those successes. These data are equally critical to knowing where jobs are being lost, and to how we can best help those workers.

That is why I am offering an amendment to fund a program in the Bureau of Economic Analysis to study services exports in detail, annually, thoroughly, on a State-by-State basis. We know too little about this sector of our economy and its standing internationally. This amendment would remedy that.

I also have amendments to improve America's energy research. My amendment would double funding for the Department of Energy's Office of Science. That office is the largest supporter of physical sciences research in America. It would provide more than 40 percent of total funding in this area nationwide. The Office oversees a broad range of energy-related research, including that related to renewable energy.

For example, the Office of Science funds research and development projects at the National Renewable Energy Laboratory, or NREL. NREL is the Nation's primary lab for renewable energy and energy efficiency R&D. The Finance Committee has heard testimony from two NREL representatives this year—Dr. Dan Arvizu, director of the lab, and Dr. Robert Farrington, manager of the lab's research on advanced vehicles.

Both of these individuals are very impressive. I believe strongly that we must support their work.

Unfortunately, that support has been lacking in recent years. In January, the New York Times outlined NREL's budget challenges. The Times pointed out that:

> Money flowing into the nation's primary laboratory for developing renewable fuels is actually less than it was at the beginning of the Bush administration.

The lab got a bit of a boost after that story was published in January, but the administration's 2008 budget still plans a 3 percent cut for the lab.

We can fix that by doubling the Office of Science's budget over the next 5 years. This injection of resources would provide badly needed funding for NREL and the other national labs. The Office of Science would receive $3.8 billion for 2007, a small increase over last year's amount. My amendment would increase the Federal commitment to DOE's Office of Science to $8 billion by 2011. That is double what the office receives now, and that is more than a 50 percent increase over what is called for in the underlying bill.

This amendment is consistent with a recommendation of the National Commission on Energy Policy, a bipartisan group of 20 of the Nation's leading energy experts. Last week, the commission recommended doubling Federal spending on energy-technology R&D.

But simply increasing funds for DOE's Office of Science is not enough. We also need to establish a new office of research outside DOE. My amendment to establish ARPA–E would do just that.

I am very pleased that the underlying bill proposes an Advanced Research Projects Authority—Energy, or ARPA–E.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the committee. The committee recommended creating an ARPA–E: Advanced Research Projects Agency—Energy.

The new agency would be modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the Internet and stealth technology for aircraft.

The Augustine Committee recommended that ARPA–E be designed to conduct transformative, out-of-the-box energy research.

In the last Congress, and earlier this year, I introduced legislation to create an ARPA–E.

The bill before us today proposes a variation on my legislation by creating an ''authority'' within the Department of Energy, instead of an agency.

My amendment would move the ''authority'' out of the DOE and establish it as an agency, and my amendment would flesh out some of the details of the office.

My amendment proposes that ARPA–E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff. A director of the agency and four deputies would lead ARPA–E. My amendment proposes that ARPA–E be funded at $300 million in fiscal year 2008, ramping up to $2.0 billion in 2012.

With gasoline again rising to $3 a gallon and increased concerns about global warming, I believe we need to establish the most muscular ARPA–E possible. That is why my amendment frees the agency from the bureaucratic restrictions of the DOD, and that is why my amendment would elevate the status of the agency by establishing a direct reporting link to the President.

The underlying bill has taken a critical step forward by proposing an ARPA–E. It is now up to the Senate and House to make this terrific idea a reality to address the issues of energy security, energy supply, and global warming.

By advancing amendments like these, we can help to ensure America's economic leadership.

Let us thereby help to ensure that America's business remains the swiftest. Let us ensure that our economy remains strong. Let us not leave our economic future to time and chance.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I am a proud cosponsor of the important legislation we have been debating this week in order to help America compete, to put America in a competitive place with the rest of the world on technology and engineering. I know how important it is that we make smart investments right now. In a previously adopted amendment I cosponsored along with Senator DEMINT, we have adopted an amendment I proposed, along with Senator DEMINT, which is important to this legislation.

While I support this legislation, while I think it is very important we invest in technology and invest in the future of our economy in a new, global, technology-driven marketplace, I also am very concerned about the way we spend Federal money. I am very concerned about programs that are put in place that we don't check back on to make sure they are working the way they should and that we are spending money the way we should. The amendment that has been adopted—and I want to thank the managers of the bill for accepting the amendment—simply says this: In 3 years, the GAO has to take a look. The GAO has to come in and do a study on how we have spent all of these billions of dollars we are going to set aside—precious dollars—precious Federal tax dollars that, frankly, have so many needs right now, including bringing our deficit under control.

I understand sometimes you have to invest money in order to make our economy thrive, and I am all for that investment, but it needs to be a wise investment. The GAO needs to come in in 3 years and look at the way this money has been spent and tell the American people—and, most importantly, my colleagues in the Senate and our colleagues in the House—that this money is being used the way we want it to be used: efficiently and, most importantly, effectively. That will give us an opportunity to take the temperature of these programs to make sure we are not throwing money down a rat hole, that we are not coming up with a good idea and never having the discipline to follow up and make sure the money is wisely spent.

So I appreciate the acceptance of this amendment. I think it is important. I think doing the kind of followup scrutiny of Government programs is something that has been woefully lacking in Washington, DC, and I look forward to continuing to mandate GAO studies at intervals in programs such as this to make sure the money is being spent

the way the taxpayers would want it to be spent.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DURBIN. Mr. President, in the next day or two, the House and Senate will consider the Iraq supplemental appropriations bill. This is the fifth year of our war in Iraq. This is the seventh time the President has come to Congress for an emergency supplemental bill.

In the ordinary course of events, a President and administration will submit to Congress an appropriation. We carefully review it, consider amendments, vote on it, and send it back to the President for signature.

The exceptions to the rule I just gave are for emergency situations, unanticipated situations, such as natural disasters, situations that came upon us so quickly that we could not have anticipated them. But for 5 straight years now this administration has insisted that this ongoing war is an unanticipated expenditure. I wish that were true, but we have known now for more than 4 years that this war is costly; first, in terms of human life, and, second, in terms of the Treasury of this country. Despite that, the President continues to send us emergency bills, unanticipated appropriations.

This time, almost $100 billion is to be added to the expenses of the wars in Iraq and Afghanistan. The total cost to date is somewhere in the range of $500 billion. We have appropriated that money. We have given the President every penny he has asked for and more. Members of Congress and the Senate with serious misgivings about this policy in Iraq have said to the President as Commander in Chief responsible for our men and women in uniform: We never want to shortchange them in battle. We want them to be safe. We want them to come home safe.

I was one of 23 Senators who voted against this invasion of Iraq. I thought this was a serious mistake from the start, but I have never said no to the President's request for the funds for those troops. As I have said often, and I will repeat now, if it were my son or daughter in uniform, I would want them to have everything they need to come home. I may think this is the worst foreign policy decision in our time, but it is not to be taken out on our troops. They shouldn't be the bargaining chip in this important debate which is going on in Washington.

Now comes the President with another supplemental, about $100 billion that he wants for the troops to have in the months to come. He will receive that money. There is no doubt that he will receive it. The Democratic majority in the House and Senate has already pledged to provide all the money our troops need. But we cannot ignore the obvious. It is time for us to have a serious discussion in this country about this war.

The day before yesterday, nine American lives were given up in Iraq. Nine soldiers and marines lost their lives while many of us were in the safety of our homes or at our workplace.

Whether it is on Sunday with the Stephanopoulos show or every day in the Washington Post, I try to make a point of reading the names and ages and hometowns of these soldiers, marines, sailors, and airmen who are casualties. I do that because I don't want their loss to become a numbing statistic. I want to try to visualize that 19-year-old soldier, that 23-year-old sergeant, that corporal in the Marine Corps who was 20 years old. I want to try to visualize them in terms of my family and the people I love. I think every Member of Congress needs to do the same thing—and I hope they do the same thing—to remember that it isn't just 3,320 lives, these are 3,320 sons and daughters and husbands and fathers, mothers and wives, loved ones. These are real people and real lives.

So now we are in this debate about how this war is going to end. It is well overdue that we have this debate.

When we went into this war, we were told by the President that there were reasons for doing it. I think most Americans recall it. I recall the litany very well.

First, the administration told us that Saddam Hussein and Iraq had weapons of mass destruction which could be used—chemical and biological weapons—in a terrorist mode to kill innocent people in the Middle East and around the world.

Second, we were told they were developing nuclear weapons in Iraq, nuclear weapons that could destabilize the Middle East and even attack America. The leaders in this administration were giving speeches about mushroom clouds from these nuclear weapons.

Then we were told that Saddam Hussein had some connection to the al-Qaida terrorists who caused the 9/11 tragedy in America.

Then we were told that this madman, this dictator, was so ruthless that he even killed and gassed his own innocent civilians, his own people in Kurdish regions.

The Senate came to debate this, listening to the speeches by President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Colin Powell, and Condoleezza Rice, and the debate engaged. At the time of this debate, I was a member of the Senate Intelligence Committee. I would read the headlines in the paper in the morning and watch the television newscasts and shake my head because, you see, just a few hundred feet away from here in a closed room, carefully guarded, the Intelligence Committee was meeting on a daily basis for top-secret briefings about the information we were receiving, and the information we had in the Intelligence Committee was not the same information being given to the American people. I couldn't believe it. Members of this administration were in active, heated debate over whether aluminum tubes really meant that the Iraqis were developing nuclear weapons. Some in the administration were saying, of course, not, it is not the same kind of aluminum tube; at the same time, members of the administration were telling the American people to be fearful of mushroom-shaped clouds.

I was angry about it. Frankly, I couldn't do much about it because, in the Intelligence Committee, we are sworn to secrecy. We can't walk outside the door and say the statement made yesterday by the White House is in direct contradiction to classified information that is being given to this Congress. We can't do that. We couldn't make those statements. So in my frustration, I sat on the floor of the Senate and listened to this heated debate about invading Iraq thinking the American people are being misled, they are not being told the truth. That is why I joined 22 of my colleagues in voting no. I didn't believe at the time that the American people knew the real facts.

So what happened? We invaded, turned loose hundreds, if not thousands of people scouring Iraq for these weapons of mass destruction and never found one of them. We looked for nuclear weapons. There was no evidence whatsoever. We went into our intelligence files and said: OK, Saddam Hussein and al-Qaida—let's get this linkage put together once and for all. There was no evidence at all of a linkage.

The American people were deceived into this war. That doesn't take a thing away from the men and women in uniform who answered the call. They stand and fight. They don't make the policy. The policy is made in Washington. And they have shown extraordinary courage.

Now, in this supplemental appropriations bill for Iraq, we want to engage the White House and the American people in an active discussion about where this war is going. I don't want to wake up every single day and read a headline about 5 more Americans, 9 more Americans, 10 more Americans losing their lives in the middle of a civil war. We are saying to the President: It is time for you to accept the reality of the situation, and the reality is, as good as our military is—and it is the best in the world—it cannot win a civil war in Iraq. This war dates back 14 centuries. Two sects of the Islamic religion in pitched battle for 1,400 years about who

is the legitimate heir of the great Prophet Muhammad, and our soldiers are in the middle of this fight? Is that what we bargained for? Had the President come to us and said: We want to send in 150,000 American soldiers to risk their lives in the hopes that these two warring religious sects will reach an agreement in Iraq, he wouldn't have had two votes in favor of that. But that is where we are today.

Meanwhile, this Iraqi Government, a Government which we have had a great deal to do with creating, continues to fail us.

The supplemental appropriation we will send to the President of the United States starts talking about bringing American troops home, not all at once, not immediate, not a hasty withdrawal that would be dangerous for everyone, but in a systematic way. Many of us believe that is the only way to convince the Iraqis to stand up and take responsibility for their own country, to make the important and tough political decisions for their own future. Unless and until we do that, I am afraid we will continue to see the casualties grow and we won't see the stability we seek.

This congressional action which we are sending to the President with this supplemental appropriation is not about really sending a message to the President, unfortunately. He is not listening. We know he has ignored his generals, and they are lined up to say the policy and strategy in Iraq is not succeeding. He has ignored the American people, who overwhelmingly believe it is time for American soldiers to start coming home. And he has refused to accept the realities of this war.

Sadly, this administration is the architect of the worst foreign policy decision in recent memory. The President has led the best military in the world into a desperate civil war. He has spent American treasure at a record rate, driving us deeply into debt, and, unfortunately, there is no end in sight.

The poor judgment of this administration has led to the invasion of Iraq, which has cost us over 3,300 American lives, over 25,000 injured, as many as 10,000 seriously injured with amputations and traumatic brain injury. His failed leadership has sent too few soldiers into too many battles without the training, the equipment, and the rest they need. And now he is extending the tours of duty of these men and women. I can't imagine that family back home marking the days off the calendar, reading the e-mails in anticipation of dad coming home, being told: You have to stay 90 days longer.

Do you know, Mr. President, that this extension of the tour of duty for National Guard members is the largest extension since World War II? We are pushing these men and women to the limit. We are asking more of them than has been asked in 40 or 50 years. It is obvious that this administration had no idea at the time of this invasion of the extreme cost of ending this war, and frankly, they still don't.

This failed policy in Iraq may not change until this President has left the White House, but that doesn't mean congressional action and congressional debate are any less important. If President Bush is not listening, then we trust that the Iraqis will listen. They should know this Congress will continue to work to make one thing very clear: American troops are coming home. The Iraqis have to stand up for their own country.

I commend to my colleagues and all those who follow this debate an article from the New York Times of April 4 this year, just a few weeks ago, written by Leon Panetta, a former colleague of mine in the House of Representatives—a great personal friend, I might add, a man who has served this Government at the congressional level and then again in the Clinton White House and most recently was a member of the Iraq Study Group.

What he basically says in this article of April 4 is, What about those other Iraq deadlines? What he does is he goes through and lists all of the deadlines the Iraqis agreed they would live by, the things they said they would achieve. As you go through them, you can understand the frustration many of us have about the current situation.

The Iraqis promised to achieve by the end of 2006 or early 2007 the approval of a provincial election law. So far, no progress on that.

The approval of a law to regulate their oil industry and share revenues—a very hot political topic, and while the Council of Ministers in Iraq has approved a draft, it has yet to be approved by their Parliament.

They agreed by the end of 2006 or early this year to approve the debaathification law, to reintegrate officials of the former regime and Arab nationalists into public life. No progress at all.

They agreed to approve a law to rein in sectarian militias. No progress at all.

By March, the Government promised to hold a referendum on constitutional amendments. No progress at all.

By May, the Prime Minister of Iraq committed to putting in place the law controlling militias. No progress at all. The approval of an amnesty agreement—no progress at all. The completion of all reconciliation efforts—clearly no progress.

By June, the Iraqi Government promised to hold provincial elections. No date has been set.

By April, the Iraqis want to take over total control of the Iraqi Army. Not likely based on the current situation.

By September, the Iraqis want to be given full civil control of all the provinces. Today, they control 3 out of the 18 provinces.

By December, the Iraqis, with U.S. support, want to achieve total security self-reliance. It is too early to tell, but does anyone believe that will occur?

What Leon Panetta spelled out here is promises by Iraqis; that if we continue to risk American lives, if we continue to spend $8 billion to $10 billion a month, they will tackle the tough political issues in their country, and time and time again they have failed. How long will we wait? How many American lives will we offer up while they twiddle their thumbs thinking about political possibilities?

Mr. President, I ask unanimous consent to have printed in the RECORD the April 4 op-ed by Leon Panetta.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 4, 2007]

WHAT ABOUT THOSE OTHER IRAQ DEADLINES?

(By Leon E. Panetta)

SEASIDE, CA.—What has been particularly frustrating about the debate in Washington over Iraq is that everyone seems to be fighting one another and forgetting the fundamental mission of the war.

Whether one is for or against the war, the key to stability is to have an Iraq that, in the words of the president himself, can ''govern itself, sustain itself and defend itself.'' Achieving that goal is largely dependent on the political reforms that Iraqi leaders have promised but failed to put in place in their country.

As a member of the Iraq Study Group, I found that every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, if the Iraqi government does not make political progress on reforms, ''all the troops in the world will not provide security.''

Instead of dividing over the strategy on the war, the president and the Congress should make very clear to the Iraqis that there is no open-ended commitment to our involvement. As the Iraq Study Group recommended, Iraqi leaders must pay a price if they continue to fail to make good on key reforms that they have promised the Iraqi people.

In calling for a specific withdrawal date, the House and Senate versions of the supplemental spending bill send a clear message to the Iraqis (even if they do face a certain veto). The worst mistake now would be to provide money for the war without sending the Iraqis any message at all about their responsibility for reforms. Both the president and the Congress at the very least must make the Iraqi government understand that future financial and military support is going to depend on Baghdad's making substantial progress toward the milestones Prime Minister Nuri al-Maliki has publicly committed to.

Unfortunately, with a few exceptions, little progress has been made. Consider efforts toward stabilizing democracy and achieving national reconciliation:

The Iraqis promised to achieve, by the end of 2006 or early 2007, the approval of a provincial election law (so far, no progress); approval of a law to regulate the oil industry and share revenues (while the Council of Ministers has approved a draft, it has yet to be approved by the Parliament); approval of the de-Baathification law to reintegrate officials of the former regime and Arab nationalists into public life (no progress); and approval of a law to rein in sectarian militias (no progress).

By March, the government promised to hold a referendum on constitutional amendments (no progress).

By May, the prime minister committed to putting in place the law controlling militias

(no progress); the approval of the amnesty agreement (no progress); and the completion of all reconciliation efforts.

By June, the Iraqi government promised to hold provincial elections (no date has been set).

As for security issues, things are not going much better. The Iraqis have increased security spending over 2006 levels as promised, but they are falling behind on the number of battle-ready Army units.

By April, the Iraqis want to take over total control of the Iraq Army (not likely based on current progress).

By September, the Iraqis want to be given full civil control of all provinces (to date they control 3 of 18 provinces).

By December, the Iraqis, with United States support, want to achieve total security self-reliance (too early to tell, but does anyone really find this likely?).

Yes, there have been some notable successes. For example, the Baghdad government has made good on its promise to appreciate the Iraqi dinar to combat accelerating inflation, and has increased domestic prices for refined petroleum products.

But particularly in terms of reforms needed to reconcile Sunnis and Shiites, progress has been minimal. And unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.

In seeking support for the so-called surge and the supplemental spending bill, the Bush administration argues that American forces have to provide temporary stability to enable the Iraqi leaders to negotiate political solutions. True, but after a while this becomes an excuse for inaction on the political reforms that are essential to stability itself.

This is why the Iraq Study Group report made clear that ''if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security and governance, the United States should reduce its political, military or economic support for the Iraqi government.''

Until the Bush administration and Congress can jointly convince the Iraqi government that this threat is real, there will be little chance of reaching the one goal on which Republicans and Democrats can agree: a safe, stable and prosperous Iraq.

Mr. DURBIN. Mr. President, this debate is long overdue. It is time for us to let them know we are coming home. It is time for them to understand in Iraq that they have received more from the United States than any nation should ever ask or hope for. We have offered up our best and bravest men in uniform. We have brought home those broken in body and spirit and said we will stand by them the rest of their lives, knowing in the process the sacrifices that have been made by them and their families.

We have spent $500 billion, which might have been spent in this country for a lot of things we desperately need—health care, paying for No Child Left Behind, medical research, basic investments in this country's future. We have given up on them because we had to spend the money in Iraq, and we continue to.

When it comes to this bill, which we hope to send to the President, he has already dismissed it with a wave of the hand. I am going to veto this bill, he says. Well, he is going to be vetoing a bill which is critically important. It is important to tell the Iraqis they have to accept responsibility for their own future. It is important because it adds billions of dollars for medical care for our veterans, billions of dollars we need so we don't face that shameful situation at Walter Reed that was reported a few weeks ago, billions of dollars so our veterans hospitals can truly take care of these soldiers who are coming home with injuries that were unimaginable just years ago; a billion dollars for the National Guard to buy more equipment which has been destroyed or left behind in Iraq so they can keep America safe while they prepare for their next redeployment.

These are dollars that are critically necessary for America. For the President to just, with the back of his hand, say: I'm going to veto this because this is just a political game, is to ignore the obvious. There is no political gamesmanship in this bill. This is a critical, life-and-death debate about a lot of our brave Americans whose lives are on the line today.

I urge my colleagues, when this bill comes to the Senate, to search their hearts and ask, how many more days can we stand reading about nine Americans losing their lives? How many more funerals? How many more broken bodies returning from Iraq? How many more families heart broken that their soldiers are going to have to stay on and on and on in a war that has no end? This foreign policy decision is one that will haunt America for a generation. We need to do our part to speak for America, to speak for the families who have no other voice, and to speak for those soldiers. If we truly support those soldiers, support their coming back home to the heroes' welcome they deserve.

I yield the floor.

IRAQ TROOP WITHDRAWAL

Mr. GREGG. Mr. President, I believe it is appropriate to respond to the assistant leader on the Democratic side relative to his commentary because this is obviously an issue of significance, probably the most significant issue we face as a nation today in the area of concern for our citizens who are carrying the burden of service and who wear the uniform of America.

I do think it is a touch cynical for the other side of the aisle to come to the floor of the Senate and say they are going to support the troops, when only 3 months into General Petraeus's leadership in Iraq they are suggesting that the rug should be pulled out from underneath his efforts. General Petraeus was sent there with an overwhelming vote of this body in support of his efforts to try to bring stability, specifically to Baghdad, and to give the Government of Iraq, which was freely elected—something which the other side of the aisle manages to ignore with a fair amount of energy—to give them the breathing space they need in order to be able to get going and to be able to create stability.

A stable Iraq is critical to our national defense, and it is critical to our ability to fight terrorism. A unilateral withdrawal forced upon us by the Democratic leadership of this Congress within the next 3 months—which is the proposal they put into the language of this bill—will guarantee that Iraq goes into chaos. It will probably guarantee that thousands, tens of thousands of Iraqis will die as a result of genocidal activity or activity that will border on genocide, and that will make the Balkans look like it was minor in comparison to Iraq as far as chaos. It will establish without doubt a client state for Iran, probably partitioned within Iraq. It will clearly create functioning safe havens for al-Qaida, which has sworn, of course, to attack America on American soil, and has already done so and has proven its ability to do this.

The fact that after only 3 months of General Petraeus being in the field we would pull from beneath him the ability to support the troops he needs there is really, in my opinion, an act of cynicism. The plan is set up in a manner—the language which was put into this plan is set up in a manner so that the Iraqi Government must meet 16 major goals in restructuring its Government within 2½ months. My goodness, the Congress of the United States, the Senate of the United States can't pass anything in 2½ months. Yet we expect the Iraqi Government and Legislature to reorganize its entire structure within 2½ months?

That is the condition put in this bill in order to maintain funds for our troops who are in the field. If the Iraqi Government is unable to meet those conditions, then within 3 months the money is withdrawn from the troops in the field, General Petraeus's flexibility is removed, and he is essentially handcuffed. The commanders in the field are no longer the generals in the field. It is no longer General Petraeus and his colonels and lieutenant colonels, his captains and his lieutenants. The commanders become the leadership of the other side of the aisle. They make the decisions on military action within Baghdad. General Petraeus's hands will be tied behind him, or at least one hand will be tied behind him.

Even if the Iraqi Government did the amazing thing of putting in place all these, significant conditions—and there should be conditions, no question, benchmarks for Iraq—these fairly significant conditions in a compressed timeframe, which guarantees they will not be accomplished, but let's say even if that Government were able to succeed in those conditions, then what is the reward for putting in place that type of stability and that type of restructuring? The language in the bill requires that the troops begin to be withdrawn and the money start to be cut off 3 months later. They are giving them a 3-month breathing space of having the support they need and General Petraeus having the support he needs in order to accomplish his goals.

The other side of the aisle comes to the floor of the Senate and acts as if

these are not significant; that we are not putting in place things which can't be accomplished; that we want to support the troops in the field. Well, read the conditions. The conditions cannot be met, and they are intentionally structured not to be met. Listen to the real language from the other side of the aisle.

The majority leader says the war is lost. He wasn't talking just about Iraq. It appears he was talking about the entire war against terrorism, which happens to be a fairly significant statement. It is also obvious that when you make a statement like that, as the leader of the Democratic Party, the most senior Democratic Member of the Senate, one of the most senior Members of the Democratic leadership of the Government of this country, when you say the war is lost, you put your credibility on the line.

Quite honestly, if we institute the language as proposed in this bill, which dramatically limits the capacity of General Petraeus and the American troops to succeed in their mission, well, I guess that will probably guarantee the war is lost, so they will have a self-fulfilling prophecy as relates to Iraq. The consequences of that will be catastrophic in the area of death and destruction within Iraq.

For us, as a nation and for our national security, should a client state be created for Iran within Iraq, should al-Qaida have free haven in Iraq, the consequences for us could be equally dramatic.

In addition, a little point should be made here. The language in this bill, as it is being brought forward, is blatantly unconstitutional. It essentially cedes responsibility for the management of the troops in the field to the legislative branch. Nowhere in the Constitution did the Founding Fathers believe there should be 435 people running military decisions in the field. They had just been through a war. They had been through the revolution, where they had one person running the army in the field, George Washington. They understood that you either put one person in charge or you have chaos in any sort of military action. That is why the Constitution says the Commander in Chief shall be the President, and that the military shall report to the Commander in Chief.

The language of this bill, on its face, is clearly unconstitutional because it essentially cedes responsibility for field command over our troops to the leadership of the Senate, the Democratic leadership of the Senate, ironically, which guarantees chaos in the area of order relative to defining and executing the mission as assigned to the troops in the field. You can't say to the American soldier, who is on the ground in Iraq, who is in Baghdad, who is doing their mission, and doing their mission well, very, very well—and General Petraeus has said there is progress occurring there—you can't say to that soldier: A, we are going to take the money away from you to support your mission; B, we are going to give your enemies a defined date when we are going to leave so that your enemies, our enemies, can wait you out and can basically harass you knowing that you are going to withdraw; and, C, that your new commander is the majority leader and the assistant leader of the Senate and the Speaker of the House.

We can't say: When General Petraeus gives you a command, you don't necessarily have to listen to him because the people who are going to make the decision as to how you execute your mission aren't in the line of authority of the military or the Commander in Chief; they have suddenly become the legislative branch of the Government.

The language in this bill is structured to accomplish one thing, and that is to assure defeat in our efforts to try to bring about a stable and responsible Government in Iraq. All you have to do to confirm the logic of that view and the accuracy of that view is to return to the words of the majority leader. The war is lost, he said. In order to assure that happens, they have brought forth the language in this bill which guarantees that our enemy will know when we are going to leave; that the freely elected Government of Iraq will not get the support it needs to survive as a stable and responsible Government; and that our soldiers will not know who is commanding them, but they will know they are not going to get the necessary support to accomplish their mission. That is defeat.

Mr. President, I yield the floor.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection? Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I will yield to the chairman for a UC request before I bring up my amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy.

Mr. President, I ask unanimous consent that Senator DEMINT be recognized to offer amendment No. 930; that there be 20 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senator DEMINT and myself or our designees; that no amendments be in order to the amendment prior to the vote; that at the use or yielding back of time, the amendment be set aside to recur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 930

Mr. DEMINT. Mr. President, again, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 930 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendment No. 930.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit congressional earmarks of funds appropriated pursuant to authorizations in the bill)

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DEMINT. Mr. President, my amendment provides what we call an earmark shield for the funds authorized in this bill, the America COMPETES Act, S. 761.

Specifically, it establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for the funds authorized in this bill. Let me be very clear. This does not apply to all appropriations bills or to all appropriations earmarks. It simply applies to those bills that contain appropriations earmarks for the programs authorized in the bill that we are considering today, the America COMPETES Act.

What we are trying to avoid is setting up a new fund for new earmarks, so we are setting this bill aside and protecting it from earmarks. If an appropriations bill comes to the floor for funding of these programs but without earmarks, no point of order would lie against the bill. In a similar way, if an appropriations bill comes to the floor with earmarks for other programs outside of the programs funded through the America COMPETES Act, then no point of order would lie against that bill either.

My amendment only creates an earmark shield for the program we are

funding today. The goal of this amendment is to ensure the funds authorized in this bill are allocated according to a competitive or merit-based process.

As my colleagues know, congressional earmarks circumvent the normal competitive or merit-based process, and award funds based on politics. This bill is focused on competition. Earmarking perverts the competitive process and substitutes the judgment of lawmakers and their staff for professional scientists and engineers who truly recognize a competitive proposal that merits funding.

Congress has been able to keep earmarks out of the National Science Foundation and it has made that foundation one of the most successful Federal science agencies. The bill recognizes and affirms what is already explicitly in the bill. Let me read a section from the America COMPETES Act. My amendment is consistent with the stated intent of the bill, which says on page 183 that nothing in divisions A or D shall be interpreted to require the National Science Foundation to ''alter or modify its merit-based system or peer review process.''

Many of America's leading institutions oppose earmarks for research because they understand earmarks siphon funds away from the research programs their talented researchers could compete for. Several universities have official policies in place opposing congressional earmarks. Let me read a few of their policies. I will start with the University of Michigan and I will quote from their policy statement.

The University of Michigan supports competitive peer review as the primary and best mechanism to allocate Federal research funds. Consequently, it is the policy of the university not to seek or accept government earmarks in support of faculty research.

Here is a quote from Yale:

Yale University does not seek appropriations for individual research projects that would circumvent existing merit-based procedures of Federal agencies for selecting projects for funding. The university has long held that evaluation of proposed projects on the basis of merit as judged by peer review is the best method of identifying the most promising research or scholarly projects.

And a quote from MIT's policy:

MIT has a long-standing policy that prohibits the knowing acceptance of grants and contracts funded via Congressional action. Such awards are known as ''earmarks,'' and funding is not generally the result of peer review. Earmarked funds are often a way to secure funds for new buildings, and for major equipment needed for cutting edge research, but institutionally MIT avoids seeking or accepting earmarked funds.

It seems the whole country is starting to realize that the earmarking process we have adopted in this Congress is wasteful and actually subverts the goals we set for many of these bills. It is clear we do not need to earmark funds in order for our funding programs to be effective. My amendment simply creates an earmark shield for funds authorized in this bill to ensure they are allocated in the most competitive way.

It is important to recognize that a number of Members of this Senate from many different committees have placed the authorization of this money in very specific categories that we need to protect and not subvert. It is time for the Senate to begin taking steps to discourage the use of earmarks when appropriating funds for important programs and we need to make sure this bill is not a new slush fund for Congress. My amendment will not only preserve the integrity of the competitive allocation process, but it will also make America more competitive by making these programs more effective.

I thank the Senator for his courtesy in allowing me to bring up this bill. I understand we will be voting on it as part of a number of bills after the lunch hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Senator for coming to the floor and making his argument for this amendment at this time. He is right, under this unanimous consent agreement the plan would be to add it to a package of other amendments we are voting on later this afternoon at a time chosen by the majority leader.

I will speak briefly in opposition to the amendment at this point. I know the Senator from South Carolina has had to leave the floor, but I do think it best in order that anyone who is following our discussions here on the floor can know the problem I have with the amendment.

First, I agree with the concern about Congress stepping in and diverting funds from the good purposes we lay out in this legislation and diverting those to other, more parochial applications. That is a valid concern. I object to that and I hope we can prevent that from happening in the future. But I would argue this amendment is not the way to keep that from happening.

This amendment sets up a unique process. It basically says you cannot bring an appropriations bill to the Senate floor unless you have 60 votes. Any appropriations bill you try to bring to the floor is subject to a 60-vote point of order if it contains in it what is described as a congressional earmark. You say, What is meant by a congressional earmark? It goes on to say that is any provision or report language—if you have a report that accompanies the appropriations bill, that is report language—that provides or authorizes or recommends a specific amount of funding or discretionary authority or credit to an entity.

That is pretty broad. Essentially what we would be saying is the Appropriations Committee, for example, if they determine—one example the Senator from Tennessee and I were talking about today as we were discussing this amendment was, if we said we want $60 million spent for the supercomputing program and the Appropriations Committee said, no, it ought to be $80 million, an extra $20 million for the supercomputing programs in a particular agency of the Federal Government, that is in fact within the definition of ''earmarked Congressional funding here,'' so a 60-vote point of order could be raised against that provision.

I don't think the Congress wants to go to that extreme in tying its own hands. You would have essentially two sets of rules: one set of rules that would apply to most appropriations bills and a different set of rules that would apply to appropriations bills that would cover the subjects that are the subject of this legislation—that would be Health and Human Services, because there is a substantial amount in this legislation that goes to the Department of Education; that would be the Commerce, Science and Justice legislation. Let's see, what is the other—the Energy and Water appropriations bill, of course. Those are appropriations bills that would be subject to this different and more strenuous point of order requirement.

This is well intentioned, I am certain. I have no doubt about the good intentions of the Senator from South Carolina. We have all been concerned about the overuse of earmarks in the Congress in recent years. I know there is a great deal going on to require more transparency, to require that all these things be out in public so we can know what is being voted on and we can object. That is the best shield. He talked about an earmark shield. That is the best shield. It is the eternal vigilance of people here in Congress, paying attention to what is in the bills and insisting only those things are in the bills that in fact further a good public purpose.

So I do object.

I yield the remainder of the time that is reserved in opposition to this amendment. But before I yield the floor, let me do another consent agreement.

AMENDMENTS NOS. 931, AS MODIFIED; 923, AS MODIFIED; 941, AND 960

There are four amendments that have been filed that relate to the Commerce Committee's jurisdiction and that have been cleared on both sides of the aisle. There is a modification at the desk to amendment No. 931 by Senator MCCASKILL. She spoke to that amendment a few minutes ago. There is a modification at the desk to amendment No. 923 by Senator OBAMA. There is an amendment No. 941 by Senators SNOWE and KOHL. There is an amendment No. 960 by Senators LEVIN and VOINOVICH.

I ask unanimous consent that these amendments, as modified if modified, be agreed to and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 931, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses or evaluates assessments of the effectiveness of the new or expanded activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendations as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

AMENDMENT NO. 923, AS MODIFIED

On page 5, line 19, strike the period at the end and insert the following: '', including representatives of science, technology, and engineering organizations and associations that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b.''

On page 5, line 24, strike ''for areas'' and insert '', including recommendations to increase the representation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, engineering, and technology enterprises, for areas''.

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

''(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

''(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

''(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

''(C) the rates of—

''(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

''(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

''(D) access to, and availability of, high quality job training programs;

''(12) the projected outcomes of increasing the number of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields; and

''(13) the identification of strategies to increase the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.

On page 12, line 20, after ''employees'' insert the following: '', including partnerships with scientific, engineering, and mathematical professional organizations representing individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).''

On page 17, line 18, strike the period at the end and insert the following: '', including strategies for increasing the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.''.

On page 19, insert between lines 22 and 23, the following:

''(vi) Nongovernmental organizations, such as professional organizations, that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the areas of science, engineering, technology, and mathematics.

AMENDMENT NO. 941

(Purpose: To clarify the types of expenses available to Regional Centers under the Hollings Manufacturing Extension Partnership program in meeting their non-Federal funding commitment, and for other purposes)

At the end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

''(3) FINANCIAL SUPPORT.—

''(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

''(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

''(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

''(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.''.

AMENDMENT NO. 960

(Purpose: To include the Great Lakes in research, development, and science education programs of the National Oceanic and Atmospheric Administration)

On page 48, line 9, strike ''ocean'' and insert ''ocean, coastal, Great Lakes,''

On page 48, line 22, insert ''Great Lakes,'' after ''coastal,''.

Mr. BINGAMAN. Mr. President, let me, to alert my colleagues as to the state of activity here at the current time, say what it is, as I understand it.

We have a unanimous consent agreement to consider three amendments Senator COBURN of Oklahoma wishes to offer. That will begin at 2 o'clock this afternoon. We are not certain if we will require a rollcall vote on all three of those amendments or only two of those amendments, but that will be determined in the future.

We also, of course, now have a unanimous consent agreement to have a vote on the DeMint amendment we were discussing. That will be scheduled presumably after we have the votes on the Coburn amendments or in some sequence around that same time.

I am informed we also have an amendment Senator INHOFE wishes to bring to the floor and to discuss and offer, which I hope can be done between now and the 2 o'clock time for beginning the discussion on the Coburn amendments. I see Senator INHOFE is on the floor. If he is agreeable to going ahead with his amendment at this time, he could argue in favor of his amendment, and then I will have some arguments against his amendment, and there may be others also wishing to speak against his amendment, and we could hopefully schedule a vote on that as well.

That is a total of five amendments I am aware of that may require rollcall votes. I hope we can get all of those amendments debated and scheduled for votes and voted on before we have the briefing at 4 o'clock, the briefing by General Petraeus. If we were able to do that, I don't know why we couldn't also go to final passage before 3 o'clock, or if there were a problem in doing that, of course, we could come back after the briefing and have final passage. But I know of no other amendments.

If Senators are sitting in their offices or their staffs are sitting in their offices with other amendments they intend to offer to this legislation, we urge they come to the floor and offer those amendments in the very near future.

I will defer to my colleague from Tennessee for his observations, but as far as I am informed, once we have disposed of these five amendments, we will have disposed of all of the amendments people have insisted on having rollcall votes on.

With that, I yield the floor and I will allow my colleague from Tennessee to speak.

Mr. ALEXANDER. That is my understanding as well. Senator GRASSLEY still has an amendment about which he

wants us to talk. That is the only other amendment I know about, other than the one you said. It is my hope we could follow the schedule the Senator from New Mexico suggested and finish the bill before 4 o'clock. I think that would be the sentiment of most Senators to whom I talked. It will permit us to move promptly to the business before us concerning Iraq.

I concur in the comments of Senator BINGAMAN. I hope by now we have had such extensive participation in this legislation over the last 2 years that everyone believes he or she has had a good hearing. The Coburn amendments and Inhofe amendment are the only ones I know about for sure. They are scheduled, or will be, and we will have to talk with Senator GRASSLEY about his proposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, it is going to be my intention in just a moment to bring up and ask for the immediate consideration of my amendment, No. 955.

We are working on a modification to make sure those on the Finance Committee will find it to be acceptable. I have discussed this with the leadership and the minority. However, it will take a minute to get the language up.

Essentially, what the amendment will say is, notwithstanding any other provision of the law, no Federal funds shall be provided to any organization or entity that advocates against tax competition or U.S. tax competitiveness.

Now, I cannot think of anything that would be more significant in a competitiveness bill than to have this language. There are several organizations, one of which is called the OECD, which is the Organization of Economic Cooperation and Development. This organization actually was transformed back in 1961 after the Marshall Plan came into effect, and they have been, over a period of time, advocating increases in taxes for the United States. In fact, over the past fairly short period of time, 24 different times they have advocated increases in U.S. taxes. One was—I will just list them here—a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes in the calculation of Federal taxes, new taxes at the State level, and a host of other new and innovative taxes on U.S. citizens.

They also have advocated for a period of time a global taxation scheme. It is very difficult to find anyone in this country who would say this is in our best interest.

Now, in this particular organization there are some things they do that I have found have been helpful. So the modifications I am making will list three things that will not be considered under this act to be anticompetitive. That is the language I am waiting for right now, which we should have in the next couple of minutes.

Mr. President, 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.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I rise today to offer my strong support for the American COMPETES Act, legislation that will help to ensure that our Nation remains competitive in today's increasingly global economy. The basis of this bipartisan legislation was a report by Norm Augustine called ''Rising Above the Gathering Storm,'' and a report by the Council of Competitiveness titled ''Innovate America.''

I remember being at a dinner last year not too far from these Chambers, and well over 30 Senators were there. It wasn't a fundraiser, we were there to hear Norm Augustine—bipartisan, leadership, new Members. I think it speaks to the importance of this issue.

Both of these reports assess the current situation. What they do is set out specific plans to get us where we need to be. The reports have served to put us on notice that we cannot take our competitive leadership for granted in a world that, as Tom Friedman has put so well, is increasingly flat.

For the American people following our deliberations on this legislation, I hope you will take notice that this is one of those issues that rises above party politics, rises above partisan politics, legislation that is about Republicans and Democrats coming together to address fundamental challenges to our Nation's competitiveness.

I am proud to join in that effort. Keeping our country competitive is ultimately about jobs. It is about ensuring that our future workforce can compete in a global economy and that our current workforce remains competitive.

I was chairman of the Western Hemisphere Subcommittee the last 4 years. I remember being at a conference in Mexico, with some Mexican academics complaining about the impact of low-wage jobs in China on the Mexican manufacturing economy.

When I was in China last year talking with some Chinese academics and economists, they complained about the impact of low-wage jobs in Vietnam on the Chinese manufacturing economy.

If we begin to lose ground, we are not going to win the race to low-wage jobs. Our ability to be the world's greatest economic power is going to depend on our creativity, our productivity, and our innovation. If we begin to lose ground in the critical areas of math and science, we will also lose ground in the race for high-wage jobs, and that is the race we should be winning better trained workers, greater opportunity.

Last month, Microsoft's Bill Gates came before the Health, Education, Labor and Pensions Committee to talk about keeping our country competitive. One of his statements particularly stood out to me.

He said:

> The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation.

He further said:

> We simply cannot sustain an economy based on innovation unless our citizens are educated in math, science and engineering.

I could not agree more. The challenges we face are significant when it comes to the future competitiveness of our workforce. Today, China graduates at least four times as many engineers as the United States. In fact, I was told at one point the figure was 600,000 engineers in China, 350,000 in India, and 70,000 in America.

The small nation of South Korea graduates just as many as we do. In 3 short years, Asia will be home to more than 90 percent of the world's scientists and engineers.

According to a recent poll, 84 percent of middle school students preferred to clean their rooms, take out the garbage, go to their dentist, or eat their vegetables than to do homework, something we have to change.

As Tom Friedman wrote in his book ''The World is Flat,'' when he was growing up, his mother used to tell him to eat all his vegetables because kids in China were starving. Today, his mother would say: Do your homework because the kids in China are starving to take your job.

Several reports have indicated that U.S. students do not perform at the level of their international counterparts in math and science. American high school students currently rank 24th out of 29 among developed nations in math literacy and problem solving.

As if this were not worrisome enough, we also need to concern ourselves with the coming retirement wave of high-skilled workers in the fields of engineering, science and technology, and math.

According to the National Science Foundation, about one-third of American scientists and engineers are over 50 years old. Tiger Woods said before a recent major tournament:

> I can't win the Masters on Thursday, but I can lose it.

We can't win the global economic battle today, but we can lose it in our elementary school classrooms.

Mr. President, the legislation before us will help go a long way toward preparing our future workers by improving K–12 education. For instance, the

bill increases the offering of advanced placement and international baccalaureate programs and expands math and science specialty schools.

While we are beginning to take action in Washington, I proudly note that my State of Minnesota has been very active in ensuring the State's future workforce can compete with the best of them from around the world. Our Governor is a leader in the development of the National Governors Association Innovation America initiative. In Woodbury, a math and science academy is developing a curriculum to meet the needs of the 21st century workplace. In Brainerd, the chamber of commerce is developing an innovative program to transform education through five rural school districts by creating career pathways focusing on regional high-demand, high-pay occupations called Bridges Career Academies.

Minnesota is doing its part.

While the challenges to our leadership in the global economy are indeed significant, I am confident that through a bipartisan and public-private partnership approach, we will meet those challenges.

I have a series of amendments that I anticipate and hope the body will act upon before we conclude deliberation on this bill. One of them is a bonus grants program. Both of these I coauthored with Senator PRYOR. On the other one, he is the principal author. The bonus grants provide math and science partnership grants to three elementary and three secondary high schools in each State which make the largest year-to-year improvement in their efforts to score highly on the State's math and science assessment test. This is about putting our money where our mouths are. This is about providing reward and incentive for schools to do better in these critical areas of math and science.

The other amendment, which is a Pryor-Coleman amendment, No. 966, establishes a small business innovation, research, science, technology, engineering, and math workforce development grant program. This is a way to get leading small businesses to provide short-term workforce training opportunities for colleges in the field of science, technology, engineering, and math.

The one amendment I will not offer but I do want to bring to the attention of the Senate has to do with expediting the FBI background check on doctors and scientists. We have the world-renown Mayo Clinic in Rochester, MN, the greatest medical facility in the world. Some of the doctors have been waiting years to get background checks cleared. We are in danger of losing them. We need to move quickly.

I know the sense is that immigration issues will be dealt with at a later time. We need to deal with the immigration issue. We need to deal with it in the sense of stronger borders, guest worker programs, and we also need to look at some of these smaller pieces that are important—expediting the ability to get background checks so we keep the best and brightest in this country. That debate will be for another day.

Today, the debate is to ensure that America can compete in a global economy. This bill offers that opportunity. It is bipartisan. I am glad to be part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 955.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 955.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect American competitiveness)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

AMENDMENT NO. 955, AS MODIFIED

Mr. INHOFE. Mr. President, we had some objection to this amendment. We have been working with people from both tax committees and the Foreign Relations Committee. I have agreed to some language. I will read the language, but first I ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS.

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competition of United States tax competitiveness.

Mr. INHOFE. Mr. President, I have already stated what this amendment does. It does try to get some sense into some of these organizations advocating noncompetitiveness or anticompetitiveness for the United States. One such organization is called the OECD, Organization for Economic Cooperation and Development. This organization I have already talked about, but one of the things they advocate is high taxes for the United States. In order to make sure we can still use this organization for a function that seems to be desirable by the tax committee, I will read the modification. The amendment currently reads:

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

This is the modification:

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competition of United States tax competitiveness.

I think we have taken care of that need.

With that, I ask that we get into the mix here so we can get a vote on this or else agreement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate the Senator's willingness to consider modifications in the amendment. We are still checking with particular Senators who have expressed an interest in this on our side. It will still be a few minutes before we are in a position to say whether this is still an amendment on which we would require a vote. I hope this is something on which we can agree not to have to have a rollcall vote. Perhaps we will know in the next few minutes.

AMENDMENT NO. 905, AS MODIFIED

While I have the floor, let me indicate there is an amendment which has been filed which relates to the Energy Committee's jurisdiction. It has been cleared on both sides. It is a modification that is at the desk to amendment No. 905 by Senator OBAMA. I ask unanimous consent that this amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 905), as modified, was agreed to, as follows:

On page 78, strike line 21 and insert the following:

''(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—ADMINISTRATION

"SEC. 3195. MENTORING PROGRAM.

''(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering. The program shall pair mentors with women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

''(b) PROGRAM EVALUATION.—The Secretary shall annually—

''(1) use metrics to evaluate the success of the programs established under subsection (a); and

''(2) submit to Congress a report that describes the results of each evaluation.''.

Mr. BINGAMAN. 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. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 914

Mr. GRASSLEY. Mr. President, I come to the floor to offer an amendment that I am going to withdraw. I ask unanimous consent, if necessary, to set the pending amendment aside and offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 914.

The amendment is follows:

(Purpose: To increase the fee to be paid by employers of H–1B nonimmigrants and to set aside 25 percent of such fees to improve programs and projects for gifted and talented students)

At the appropriate place, insert the following:

SEC. ___. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

Mr. GRASSLEY. Mr. President, in his bestselling book, ''The World is Flat,'' Thomas Friedman discusses the challenges of globalism using the metaphor of the world getting flatter to describe how the breaking down of international barriers to the movement of goods, services, people, and ideas creates an intensely competitive global environment. I liked it so much, and it has so much wisdom in it.

In chapter 8, entitled ''This Is Not a Test,'' Friedman says, ''If this moment has any parallel in American history, it is the height of the cold war, around 1957, when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite.''

Not coincidentally, the Congress passed the National Defense Education Act the following year, 1958.

That act really started Federal Government involvement in education.

It was designed primarily to jumpstart education in math, science, and modern foreign languages so we would be able to match and exceed the achievements of the Soviets and win the cold war.

According to Thomas Friedman, to meet the challenges of what he calls ''flatism'' will require, ''as comprehensive, energetic, and focused a response as did meeting the challenge of communism.''

As I mentioned, Federal education policy started with an urgency to support and encourage students to excel in fields that were considered to be of major importance to national security during the cold war.

Subsequently, Federal education policy became concerned with equity between students of different socioeconomic classes as part of President Johnson's war on poverty.

Both of these dual focuses of Federal education policy, excellence and equity, are legitimate and important.

However, we sometimes seem to ping pong between the two, forgetting about one in favor of the other.

The No Child Left Behind Act of 2001 deepened the existing focus of the Elementary and Secondary Education Act on making sure that all students have an adequate education.

Now while we don't have a single event like Sputnik to bring home to us the current challenges we face, there is a growing recognition that, for the sake of our future economic competitiveness, we cannot neglect the importance of challenging and encouraging students to excel so that they will some day be the scientists, engineers, and researchers that will create the innovations that will drive our economy.

This means that we must not only help underachieving students to achieve at grade level, but we must encourage high ability students to achieve to their full potential.

For years, I have been leading the charge to do a better job unlocking the tremendous potential that lies in gifted and talented young Americans. They represent a national resource that, unfortunately, too often goes untapped.

Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. As a result, it takes a great deal more to keep them challenged and stimulated.

If they are not sufficiently stimulated, they often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving to their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

Jan and Bob Davidson, from the majority leader's home State, wrote an important book called ''Genius Denied'' about how, nationwide, we are letting gifted students fall through the cracks and wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, ''A Nation Deceived: How Schools Hold Back America's Brightest Students.''

This situation must be reversed if America is to retain its competitive edge which, obviously, is the purpose of the very good legislation before us, led by Senators BINGAMAN and ALEXANDER.

I am glad that the American competitiveness bill currently before the Senate recognizes the need to do a better job of helping students to excel in fields like math, science, and critical foreign languages.

However, if we want to go toe to toe with countries that place a very high value on learning, we must do more to support and encourage the best and brightest American students.

My amendment would increase the fee employers pay for H1-B visas for highly skilled foreign workers to immigrate to the United States and to use that additional funding for the Jacob Javits Gifted and Talented Students Education Act.

This is the only Federal program that provides funding to support programming to meet the unique learning needs of our brightest, most promising students.

It funds a national research center that produces invaluable research in instructional strategies that can truly tap into the potential of gifted students as well as a small grant program to encourage such research nationwide.

The Javits Act also contains a grant program to encourage greater focus in the States on meeting the needs of gifted learners, although it has been funded at levels that severely limit its effectiveness. The quality or even existence of services for gifted students varies widely among our 50 States.

While the Federal Government should not assume the primary responsibility for funding gifted and talented education, just as Congress provides funding to augment State efforts to provide an equitable education for disadvantaged students and students with disabilities, the Federal Government still has a vital national interest in encouraging State efforts to fully develop the gifts and talents of American youth.

The proposal that is in my amendment before the Senate would essentially charge a fee to those investing in talent from abroad and use it to invest in talent for the future here at home.

Doesn't it make sense if we are using our educational system to bring students or workers over here to train them better—they take advantage of our higher education system; they take advantage of our educational system generally—wouldn't it be wise to use those resources so we can enhance the opportunity we have for our own gifted and talented students right here in the United States?

We have to put more attention on education. Now, I am offering a Federal program, I know, or the expansion of a Federal program, and funding it in a

way that is not appreciated by those who will soon be involved in the immigration bill that is going to be before us. They have asked I not offer this amendment, and that is why I said I would offer it and withdraw it.

But I think this is a very important approach we must use if we are going to make adequate use of our own talented and our own gifted students right here at home—the homebred students whom we have—as opposed to thinking we have to rely, in the 21st century, in this great country of America, upon the talent of foreign lands.

Now, there is a lot of talent in foreign lands that if we can draw upon it, we ought to draw upon it. But the fact we have to do that, or we think we are willing to submit to that sort of an approach, to advance the competitiveness of our economy in this globalization we are involved in, is a sad commentary.

That is why I have offered this amendment. I want to say even though I am withdrawing it, I am doing it with the idea I am not giving up on this effort. I am going to advance this effort in other appropriate places in the legislative process in the future.

Let me suggest, for those who maybe want to fight it, it is going to be in the near future. For those who maybe like it, would they join me in this effort to get this job done?

Having emphasized competitiveness and everything involved in it, I want to say my philosophy of improving education in this country is not rested only upon Federal programs. I think four basic things are at the base of changing or improving our educational system, and they do not involve the expenditure of more money. It basically is a societal attitude that needs to be changed.

No. 1, we have to think in terms that there is nothing wrong with homework. There are too many parents, too many teachers in this country who think, somehow, we have to eliminate homework. Secondly, we have to have the schools in this country and the parents involved think that education and book learning is more important than sports; thirdly, that weekends are not something just for leisure. Weekends have to be used for study as well. And lastly—and the one thing that is most important—parents, to a greater degree than they are presently, have to be involved and show interest in the education of their own kids, and supporting the great teachers of this country who are there doing both the job of parenting as well as the job of teaching.

Those societal changes are going to do more to enhance education and the competitiveness of our economic system than anything we can do by passing any Federal program. But I think we can enhance a lot of programs, and this bill is a good step in that direction. I wish I had been able to convince the people on the Judiciary Committee that we ought to advance this amendment here at this time because it is very associated with the competitiveness of our society and the purposes of this bill.

AMENDMENT NO. 914 WITHDRAWN

But I ask unanimous consent to withdraw the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, today, I join with over 60 of my colleagues from both sides of the aisle to support the prompt passage of the America COMPETES Act. Before I begin, I want to thank my colleagues who have actively participated in developing and cosponsoring this legislation in the 109th Congress. In particular, I wish to acknowledge the work of Senator JOE LIEBERMAN with whom I began the task of developing competitiveness legislation over 2 years ago.

Last August, working together, in a bipartisan manner, we were able to bring together a bill that combined elements of the PACE Energy bill that Senator ALEXANDER, Senator DOMENICI, and Senator BINGAMAN had worked on, with the American Innovation and Competitiveness Act that Senators STEVENS, INOUYE, HUTCHISON, and I worked on. We also included important education provisions from Senator KENNEDY, Senator ENZI, and members of the HELP Committee.

Today, I am very pleased to say the cooperative, bipartisan effort we undertook in the last Congress has led to the consideration of the America COMPETES Act in this Congress. As other Members have noted, this legislation focuses on three primary areas of importance: increasing Federal investment in basic research; fostering science, technology, engineering, and mathematics talent in the United States; and developing an innovation infrastructure. The bill reflects a good balance of spending on key priorities, such as basic research and education, while being sensitive to avoiding duplication among Federal agencies.

It was not easy, but we remained focused on the key recommendations in the ''Innovate America'' and the ''Rising Above the Gathering Storm'' reports. There are a lot of folks with plenty of good ideas out there. By sticking to the recommendations in these two groundbreaking reports, however, we were able to safeguard this bill from becoming so large, unwieldy, and expensive that it could never pass the Senate. This is why we have a good chance on this bill of actually passing it in a strong bipartisan way either today or tomorrow. One of the keys to this process was getting the chairmen and ranking members of the Commerce Committee, Energy Committee, and HELP Committee to join the majority leader and minority leader to introduce the final product.

The America COMPETES Act would double funding for the National Science Foundation by 2011, increase support for the National Institutes of Standards and Technology, and the Department of Energy's Office of Science. I am a fiscal conservative, but the dollars we invest in basic research will come back to us in spades in terms of stimulating economic activity and helping the United States to remain at the forefront of global innovation.

Our continued investment in basic research is made more essential by the actions of other nations such as China and India. Such countries are not sitting idly by waiting to see what we will do to remain competitive. Rather, they are undertaking ambitious efforts to expand their own research and development base at our expense. A study recently highlighted by the Council on Competitiveness indicates that China has surpassed the United States as the most attractive location for the world's top corporate R&D investors to locate their R&D facilities. Sadly, in 2006, the World Economic Forum announced our country had dropped from first to sixth place in its Global Competitive Index.

We must address the long-term competitiveness challenges we face to maintain our leadership in innovative research, and this bill will enable us to do so. In addition, the bill addresses the need to encourage more American students, from elementary school through graduate school, to pursue careers in science, technology, engineering, and mathematics.

Although estimates of the number of engineers, computer scientists, and information technology students who obtain 2-, 3-, and 4-year degrees vary, there is no question that the increased focus in China and India on educating more of their population in these fields is cause for serious concern. One estimate indicates that in 2004, China graduated about 350,000 engineers, computer scientists, and information technologists with 4-year degrees, while the United States graduated about 140,000. Over the past 3 years, both China and India have doubled their production of 3- and 4-year degrees in the field of engineering, but in the United States the production of engineers has stagnated. This must change.

We need to aggressively encourage more American students to pursue careers in these fields, especially as our current scientific workforce ages. The America COMPETES Act would do this in part by expanding existing graduate research programs and strengthening NSF's technology talent program. The bill also strengthens the skills of thousands of math and science teachers by establishing new undergraduate and graduate training programs.

Finally, the bill authorizes competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in institutions of higher education in the 21st century. It is very important we focus on transforming our educational system to meet the workforce needs of tomorrow.

Technological change and globalization have increased the need for our students to receive better education to remain competitive in the world economy for high-skilled jobs that lead to innovative solutions, higher incomes, and better standards of living. This emphasis on quality education in science, technology, engineering, and mathematics needs to start early in the course of a student's education.

Unfortunately, last year, the Organization for Economic Cooperation and Development released a study on education that highlights the fact that while the United States invests significantly more per student on education—with an $83,000 cumulative expenditure per student ages 6 through 15—than any other country in the world except for Switzerland, students from 16 other countries' students performed better, on average, than American students in science. Sixteen other countries performed better than American students in science. In mathematics, the numbers are even more troubling. Students in 23 other nations performed better, on average, than American students did—23 other nations. This was on an international standardized math exam.

Other countries have more scientists and mathematicians teaching science and math. In the United States, we mostly have education majors teaching science and math. If you think about it, if your passion is science and math, you have a better chance of translating that passion to your students. I have spoken with the presidents of our schools back in Nevada, at UNR and UNLV and our community college, about trying to transform the way we teach our teachers in Nevada. The University of Texas at Austin has an innovative program called UTeach. They are actually taking science and math majors and teaching them to be teachers. The results so far have been very promising. The University of California system is pursuing a similar approach. Our country must try to change the way we are educating science and math teachers so we can inspire the next generation of Americans more effectively.

I am also reminded of the story the president of the Museum of Science in Boston, Dr. Yannis Miaoulis, shared with me last year when discussing how to foster innovation in math and science education. Dr. Miaoulis discussed how in school, at a young age, students learn about volcanoes and make models to simulate how they work. While the accumulation of knowledge on volcanoes or other life science topics is a very good thing, unfortunately, grade schools often do not dedicate as much time and attention to exploring science through practical exploration of engineering topics—for instance, how a car works. To drive home his point on the need to focus more attention on engineering at an earlier stage in students' education, Dr. Miaoulis asked us a simple question: Do we spend more time in a car or a volcano?

The answer is obvious, and his point is well taken. We need to think strategically about how to educate and inspire the next generation of Americans and increased focus on science, technology, engineering, and mathematics is a very important part of maintaining our Nation's long-term global competitiveness.

As the title of Thomas Friedman's popular book reminds us, in the 21st century, the world is flat and the United States must adjust to this reality in creative ways or suffer the consequences.

This bill before us today, the America COMPETES Act, will be a critical first step forward to lay the groundwork for the kinds of change and investments we need to make for our country to be competitive in this new century. The key to success on this issue is to move the bipartisan bill before us, while resisting the urge to attach every good idea that has come along in math, science, and technology areas. We were able to keep this work product fiscally responsible while addressing critical needs, and a big part of that was including metrics to measure and reward successful efforts and to provide more accountability for existing governmental programs. As our citizens, businesses, universities, and scientists compete in the most interconnected global economy in history, failure to pass a competitiveness bill now would seriously harm the economic and national security of the United States.

I hope all of my colleagues will join with me in helping to pass this critical bipartisan bill as soon as possible.

Mr. ENZI. Mr. President, I wish to speak about the importance of supporting and passing the America COMPETES Act.

It has been 50 years since Sputnik was launched by the Soviet Union. The United States was quick to react with a flurry of activity and investment to spur innovation. Its launch also had a dramatic impact on education in this country. Students wanted to be the best and wanted to prove that the United States was a better and stronger country. Today the need is just as great, but we don't have a catalyst, like Sputnik, driving the need. The need is driven by our economy and companies that need bright and innovative workers. This need is driven by the competition the United States now faces from across the globe.

Last year I was in India and saw firsthand what Thomas Friedman discusses in his book, ''The World is Flat''. It does not take long to figure out that by numbers alone, India has to educate only 25 percent of its population to have more literate and educated people than the total population of the United States. This trip reinforced my belief that we need to ramp up our efforts in the areas of education and labor to keep our country competitive.

Add to this perspective the fact that China has 20 percent of the world's population and has sharply increased the proportion of its college-age population participating in higher education from 1.4 percent to over 20 percent in just a generation. It should not be surprising that a substantial portion of our workforce now finds itself in direct competition for jobs with highly motivated and often well-educated people from around the world. Unless we pay attention to these facts, this competition will only increase in the future.

Here are a few of the facts that I find paint a compelling picture and show why this legislation is needed: Business is spending billions each year to train new employees and remediate the educational skill gaps of those already in the workforce. The American workforce is aging—77 million baby boomers are set to retire over the next several decades.

Reading proficiency among 12th graders has declined to the point where just over one-third of them are even considered proficient readers. In addition, 47 percent of those with a college degree are not considered proficient readers according to the most recent National Assessment of Adult Literacy. Only 68 of every 100 ninth grade students graduate ''on time,'' in other words, within 4 years. America's high school graduation rate is among the lowest in the industrialized world, and the impact on our minority students has been especially severe, where this rate hovers around 50 percent.

Nearly one-third of entering college freshmen need at least one remedial course. The United States has one of the highest college enrollment rates, but a college completion rate average to below average among developed countries in the world.

Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education. Seventy-five percent of today's workforce will need to be retrained just to keep their current jobs.

Median earnings of a high school graduate are 43 percent higher than those of a nongraduate and those of a college graduate are 62 percent higher than those of a high school graduate. Two-thirds of the 7 million worker gap in 2010 will be a skilled worker shortage.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. To accomplish this, we need to build, strengthen, and maintain our educational pipeline, beginning in elementary school. We must also strengthen programs that encourage and enable citizens of all ages to enroll in postsecondary education institutions and obtain or improve their knowledge and skills. The decisions we make about education and workforce development

will have a dramatic impact on the economy and our society for generations to come.

This legislation is the product of bipartisan negotiations and input from members of 3 Senate committees—the Senate Commerce, Energy, and HELP Committees. Work on this legislation began last year in response to the ''Rising Above the Gathering Storm'' report, the ''Innovate America'' report, and the President's American Competitiveness Initiative. I want to thank all those who worked on this bill for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

This bill includes provisions that improve math, science, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to support students trained at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

It should come as no surprise that I particularly support the education components of this bill. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. In this global economy, learning is never over and school is never out. Every American can and should be part of our Nation's success. The education and skills of today and tomorrow's workforce were a high priority for me even before I became chairman and now the lead Republican of the Health, Education, Labor, and Pensions Committee.

The America COMPETES Act is a good starting point, but we need to do more. Maintaining America's competitiveness requires that all students have the opportunity to continue to build their knowledge and skills. We need to find ways to encourage high school students to stay in school and prepare for and enter high-skill fields such as math, science, engineering, health, technology, and critical foreign languages. For many, including those at the cutting-edge of science, technology, engineering, and mathematics, acquiring a postsecondary education or training will be the key to their success. Therefore, I remain committed to reauthorizing the Higher Education Act.

Individuals in the workforce often need retraining to keep up with our fast-paced economy. Businesses also need help in finding well-qualified individuals to meet their needs. The Workforce Investment Act and the system created to support it provide those needed services. We must reauthorize the Workforce Investment Act this Congress.

Finally, our children need a strong foundation of knowledge to succeed in both education and knowledge. The No Child Left Behind Act provides funds to States and local school districts to support our neediest and most disadvantaged students. Those students need a hand up in order to succeed in the future. I look forward to working with Chairman KENNEDY to reauthorize the No Child Left Behind Act this year.

Fifty years after Sputnik, the United States is in another equally important race that will define our leadership. This race is fueled by innovation, education, and skills. Its success is measured by jobs and prosperity for American families. It is a race we cannot afford to lose.

I ask my colleagues to support the passage of the America COMPETES Act.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL, together with Senators BINGAMAN, ALEXANDER, INOUYE, STEVENS, ENSIGN, KENNEDY, ENZI and a majority of the Senate, in this bipartisan effort.

I particularly commend my colleague from Nevada, Senator ENSIGN, for his foresight and leadership on innovation and competitiveness issues. Beginning in 2005, I started working together with Senator ENSIGN on the National Innovation Act to build a new century of progress and prosperity for our Nation by spurring a new wave of American innovation. With his leadership in the Commerce Committee, Senator ENSIGN and I supported a bipartisan approach, focused on talent, investment, and infrastructure, to sustain and enhance U.S. science and technology leadership for the future. The National Innovation Act addressed a number of the most critical issues involving technology leadership in the United States, realizing the critical need for increased Federal support for basic research.

Senator ENSIGN and I also worked closely together on the National Innovation Education Act. The intent of that bill was to enhance our science and technology talent base and to improve national competitiveness through strengthened education initiatives. Our bill proposed initiatives spanning across the science education spectrum to improve quality instruction and access to learning for all students.

I am pleased that the America COMPETES Act addresses many of the approaches to science research and education proposed by Senator ENSIGN and I in these measures in addition to many of the initiatives put forth by Senators BINGAMAN, ALEXANDER, and others in the PACE bills. In large part, these bills sought to incorporate recommendations from the National Academies' report ''Rising Above the Gathering Storm'' and ''Innovate America'' from the Council on Competitiveness.

In this bill we seek to address the challenge of keeping the United States competitive in the global economy. Innovation, from the development of the Internet to the sequencing of the human genome, stimulates economic growth and improves the quality of life and health for all Americans. Through our investments and leadership in basic research and innovation, we ensure that our children and grandchildren will continue to have the unprecedented prosperity and opportunity that we enjoy today. We also have high expectations that science and engineering will solve essential worldwide needs from the mitigation of natural disasters to the development of alternative energy sources.

This act recognizes that the Nation depends upon the development and the productivity of highly trained people to generate these innovations. It is disconcerting that only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is their belief that other countries are more committed to their education, their youth, or their schools. In fact, tests show U.S. students are falling behind other developed nations in math and science. We must restore confidence in our education system and ensure it is second to none.

For example, we need to engage the Nation's top universities to lead some of their best and brightest students, especially in science, technology, engineering and mathematics, STEM, fields, into successful teaching careers. In this bill we stimulate partnerships for college math, science, and engineering departments to work with teacher development programs. These programs will increase the supply of certified, knowledgeable teachers in areas critical to meeting America's needs, giving us a greater opportunity to improve student interest and achievement in STEM areas.

We know that new teachers in STEM classrooms across the country need support and mentoring from knowledgeable, established teachers. This bill supports programs for existing teachers seeking to enhance their content knowledge, teaching skills, and leadership in STEM and foreign languages.

We cannot wait for students to reach college to ensure that they are prepared for the future. It is troubling that many students with their newly obtained high school diplomas find themselves ill-equipped for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High-quality data systems are also critical to improve schools and student outcomes. Accountability for high school graduation numbers and dropout rates is important to address education reform in our high schools. States and schools need data systems

to trace successful educational outcomes back to specific programs, coursework, and interventions. They need to know what works and what doesn't work. I am pleased that this legislation contains many of the components of a bill I introduced last year, the College Pathways Act, to improve data systems and alignment.

The National Science Foundation is the principal agency sustaining basic research across all science and engineering fields. Basic research outcomes have led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. NSF focuses on the areas of discovery, learning, and in building the country's research infrastructure and world-class facilities. These areas line up directly with our three primary areas in this act: increased research investment, STEM education, and innovative infrastructure. It is critical that we develop and support each of these: the people, their ideas and the large-scale tools needed for discovery and innovation.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and trainee programs by expanding the NSF Graduate Research Fellowship Program and the Integrated Graduate Education and Research Traineeship Program by a total of 2,500 students.

The America COMPETES Act further addresses the issue of improving talent across scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent Program, which I first proposed in 2001 as part of the Technology Talent Act, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, and engineering.

The Department of Energy's Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

The bill also creates an Innovation Acceleration Research Program to stimulate transformational research by setting a goal for Federal research agencies to allocate 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet, and countless other technologies relied on every day in this country and around the world. We anticipate this funding will be used for ''grand challenges'' and other high-risk/high-reward research that will expand the frontiers of discovery and innovation.

It is time once more for the Nation to focus on the health and direction of scientific research. Late in 1944, President Roosevelt called on a leading science and engineering advocate, Vannevar Bush, to report on how the Nation should prepare in the post-World War II era to deal with the ''new frontiers of the mind [that] are before us'' and to ''create a fuller and more fruitful employment and a fuller and more fruitful life.'' The report, ''Science—The Endless Frontier,'' led to the development of the National Science Foundation. We call on the President to issue a new report on key research and technology challenges based on a national science and technology summit of leaders from labor, industry, academia, government, and elsewhere. The President will also establish a Council on Innovation and Competitiveness to, among other things, assess R&D investment and address future areas needed to maintain the United States as a world leader in research and technological innovation.

We must continue to encourage the groundbreaking experimentation and longer-term outlook that made this country great. I am pleased to join my colleagues in this bipartisan effort to address the science, technology, and education needs that will fuel innovation and continue to drive American growth and prosperity. I urge my colleagues to join us and support passage of the America COMPETES Act.

Mr. OBAMA. Mr. President, there is concern that America is losing its competitive leadership. I am proud to cosponsor the America COMPETES Act because it proposes a meaningful response to that loss of leadership, and I compliment the bill managers on the bipartisan manner in which the Senate is addressing this issue. America COMPETES is a strong piece of legislation, but I wish to propose amendments that I believe will strengthen this legislation in several areas.

As our Nation becomes more diverse, scientists, engineers, and technology professionals continue to be recruited from a narrowing segment of our population. If we were able to increase the participation of underrepreseneted groups, including women, to a level reflective of their representation in the population, we would diminish the workforce issues that restrict our economic progress and generate a pool of talent that could refresh our ability to innovate. If we do not tap the diversity of our Nation as a competitive strength, we will diminish our capacity to innovate. Full participation by all segments of our populace would do more than just increase the number of workers in high technology fields; full participation would bring fresh perspectives and inventive solutions.

To increase participation, I have offered several amendments to America COMPETES. The first establishes a mentoring program to support women and underrepresented groups as they progress through education programs being proposed at the Department of Energy. Mentoring is an effective means for experienced scientists to provide professional assistance and advice to developing scientists, and such a program would ensure the success of these education programs. I also propose that women and minority scientists and engineers be represented and consulted as strategies are developed to increase America's competitiveness. This inclusion should occur at the proposed National Science and Technology Summit, on the President's Council on Innovation and Competitiveness, and elsewhere. If the concerns of diverse groups of technology professionals are not heard, it will be too easy to overlook the advantages these groups can bring to the innovation landscape.

I have also proposed that, to profit from the strength of our diversity, we must start with America's young students. Summer is a time when, as a result of summer learning loss, young students may lose several months in math skills. The summer learning loss is greatest for children living in poverty. Summer programs combat this loss, accelerate learning, and can serve to close the achievement gap in mathematics and problem-solving that currently robs us of the talents of too many children. I have introduced an amendment that supports summer learning opportunities, with curricula that emphasize mathematics and problem solving, aligned to the standards of school-year classes.

Finally, I propose that one of the major challenges facing us is an issue we understand on the basis of science; an issue that can be solved, at least partially, through technology; an issue that has the potential to greatly affect our competitiveness. It is an issue offering both challenges and great opportunities. Therefore, I am proposing an amendment to create a Climate Change Education Program to broaden our understanding of climate change. The program would emphasize information to help us comprehend climate change and to promote implementation of new technologies that would ensure our place as an international leader, willing to use science to understand our world, willing to apply technologies to address the serious challenges facing us.

I urge my colleagues to support these amendments.

Mrs. CLINTON. Mr. President, at a moment of profound change for our country, as the global economy grows more interdependent, the reach of technology more vast, and the consequences more important for future generations of Americans, I am proud to support the America COMPETES Act as an original cosponsor and proud to have been able to include several of my proposals in the final bill. I am also

pleased to see that partnership—not partisanship—ruled the day.

The challenge is to achieve the promise while avoiding the perils of this moment.

Modern technology is making the American workforce more and more productive—while making it increasingly possible for employers to hire the most skilled workers no matter where in the world they live. Our young people see so many promising new fields and avenues—but too many American students, even some graduates of college, are not equipped with the skills to compete, especially when it comes to participation in challenging math and science fields.

That is why this bill is so important: education will help us overcome these obstacles while opening the doors to new opportunities.

America's global economic competitiveness will rest more and more on the back of our education system, and the scientists, engineers, and inventors that the system produces—but today that back is breaking.

The United States currently ranks 21st out of 40 industrialized nations in the largest and most comprehensive educational study to date. China produces far more engineers than the United States each year. Fewer well-educated scientists and engineers means fewer inventions, fewer high-tech exports, and fewer jobs for Americans.

And we are trying to compete with one hand behind our back: half our population disproportionately avoids math and science. Women and minorities are routinely underrepresented in these fields.

The National Academy of Sciences, NAS, outlined solutions to these and other challenges America will face as we contend with other counties in the science, technology, engineering, and mathematics. Their report, ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future,'' gave us a roadmap to avoid this storm. The America COMPETES Act will implement these recommendations.

For example, this legislation would provide funding to increase the number of teachers serving high-need schools who are qualified to teach advanced, college level courses in math and science. It also supplies grants to community colleges to offer training to allow women to enter higher paying technical jobs.

This act also provides new incentives for math and science research. The bill doubles the current funding for the National Science Foundation, NSF.

I am also pleased this legislation includes two of my amendments. The first asks the National Academy of Sciences to collect and disseminate ''Promising Practices'' in the areas of math and science education, as well as techniques proven to help teachers improve their instructional skills. Many States across the country are doing an amazing job of raising their State standards, while others are watering them down.

The NAS report outlined the need for consistency in math and science education as one of the important recommendations in their report. That is why I introduced the Math and Science Consistency Act which instructs the National Academy of Sciences to create voluntary goals for learning in the areas of math and science education.

I thank everyone involved with this package, in particular Senator BINGAMAN, for working with me to include elements of my legislation into the America COMPETES Act.

If we want to truly prepare our students to compete, then it is especially important to look at successful models of math and science education and place this information in the hands of our math and science teachers. These promising practices will help all States improve their math and science education.

It is imperative that we figure out what is working and reproduce it. The math and science education our children receive today is an investment in the economy of tomorrow.

I also worked alongside Senator SCHUMER to include a provision that will create two new fellowship programs within the National Science Foundation. These new fellowship programs are modeled after the highly successful Newton Fellowship and Newton Master Teacher Programs in New York City.

Through Math for America, the Newton Fellowship Program has brought a cadre of talented professionals to teach math in NYC school. Additionally, the Newton Master Teacher Program trains current math teachers who demonstrate solid math knowledge to become leaders in their schools through mentoring and professional development. I am pleased our amendment will allow these successful models to be replicated around the country.

Once implemented, the first fellowship program will be available for professionals who possess advanced math and science skills. It will allow professionals from the private and public sectors to apply to become ''NSF Teaching Fellows.'' If selected, these individuals would receive a scholarship to attend a 1-year master's program that results in certification. The fellows would then commit to teach for 4 years in a high-need school. This is the commonsense approach we need in order to build a pipeline of math and science teachers who are experts in their fields.

The second fellowship program entitled the ''NSF Master Teaching Fellows'' Program, will allow current teachers who hold a master's in math or science to apply and serve as leaders in a high-need school. In exchange for receiving a stipend, these fellows would commit to mentoring their peers, developing curricula, and assisting in professional development activities for 5 years.

I am pleased that we are making a commitment to expanding the pipeline of math and science teachers, and this amendment is our first step in that expansion. I thank Math for America and the Newton Fellows and Newton Master Teachers for all they do every day to improve math education for students in New York City and around the country.

The America COMPETES Act is a comprehensive strategy to help America compete and win in the global marketplace. As cochair of the Senate Manufacturing Caucus, I am pleased that this legislation makes a significant investment in the Manufacturing Extension Partnership Program that is critical to sustaining our nation's manufacturing base.

I am also pleased that this bill includes a new energy research proposal modeled on DARPA. This is an idea that I first put forward at the Clinton Global Initiative in 2005, and introduced legislation on in January of 2006. My legislation would create a new agency to sponsor a diverse portfolio of projects that will: Increase national security by significantly reducing petroleum and imported fuels consumption; significantly improve the efficiency of electricity use and the reliability of the electricity system; and significantly reduce greenhouse gas emissions. Section 2005 of the America Competes Act mirrors many of these provisions. However, section 2005 does not include provisions from my legislation that provide additional management flexibility, and that I believe are important to the success of this new agency. In addition, section 2005 does not authorize a specific level of funding. I recognize that there are funding constraints, but I think that a much bigger, bolder investment is needed. So I am pleased that section 2005 is included in the bill, but I hope that we can make improvements during conference with the House.

We must do what is best for our children and their economic future. When Americans have the tools for success, America succeeds and that is what this bipartisan legislation can help us achieve.

Mr. MARTINEZ. Mr. President, I rise today to address S. 761, the America COMPETES Act. This is an effort to help prepare our children to enter the fields of math, science, engineering, and technology and the ultimate goal is to keep the United States at the forefront of these fields on the increasingly competitive global stage.

I congratulate Senators LAMAR ALEXANDER and JEFF BINGAMAN for posing the questions they did to the National Academies of Sciences, Engineering, and Medicine and for working the panel's recommendations into legislation. And I agree with the findings that basically say if we don't do a better job of teaching our children in the areas of math, science, and technology, other countries will surpass us in a way that we might never overcome.

I commend the Academies' full report to all of you, and I think they are on the right track. We need to take some significant and comprehensive steps to better prepare our young people to enter the Information Age workforce. It is critical to our Nation's future and it is critical that we approve this legislation and start preparing our children of today for the future of tomorrow.

And it is critically important we start preparing for tomorrow today.

In a 2003 Trends in International Mathematics and Science Study, fourth graders in three countries—Chinese Taipei, Japan, and Singapore—outperformed U.S. fourth graders in both mathematics and science. In the new world marketplace, the United States will have to make an even greater effort to keep our high standard of living, to remain competitive.

People in India, China, Singapore, Finland, and Ireland know very well that brainpower is universal, it is valuable, and it is the secret weapon to producing good jobs and a good quality of life.

Given that physical barriers such as distance have been torn down by the World Wide Web and the benefits of free trade, our foreign competitors know there is no reason that they can't have a standard of living more like the United States. So they are working hard to develop better trained citizens and create their own stream of discoveries.

The challenge of our generation is to change these troubling trends. Our commitment needs to be redoubled.

I am a great believer in the transforming power of education. Coming from Cuba at age 15, not knowing the language of this country, not knowing how my future would unfold, I relied heavily on the power of education to survive.

My father was the first person in our family to earn a college degree, and he would always remind us that the only thing the Communists could not take from him was his education. That concept of an education became a valued treasure in our family. So that is why I worry so greatly about the education of our next generation.

According to recent statistics compiled by the U.S. Department of Education, our nationwide graduation rate in public schools is about 74 percent. That means one out of every four children who starts out as a freshman, does not get a high school degree. In Florida, the graduation rate drops to 71 percent. Nationally, if you look at young people between the ages of 16 and 24 who don't have a high school diploma, the numbers are alarming: Hispanics, 25 percent, Blacks, 11 percent, Whites, 6 percent.

These are rates that have been virtually static over the last decade. They forecast a tragic pattern that we must change, for the good of these children, but also as a matter of national competitiveness in a shrinking but competitive world.

We as a country are falling behind. We are losing the opportunity to remain competitive on a global scale unless we address these percentages and change them.

So when we talk about improving education, we, as individuals, parents, community leaders and elected officials, need to focus on quality education.

We need to encourage our young people to seek that diploma and degree, and we need to help those who might otherwise not have access to a higher education.

And we need to remember that America has been the global leader in innovative technologies, and as those technologies grow and expand and proliferate throughout the world, we have to become even more prepared to compete in a global market.

All young Americans, no matter their race, creed, or ethnicity deserve the opportunity to gain not just an education, but the best quality education. This is our obligation and our national imperative.

We are a great nation, but that greatness will not be enjoyed by the next generations if we fail to properly educate that next generation. That is why the America COMPETES Act is so very critical.

This bill will improve teacher training in math and science by creating summer programs hosted by the National Science Foundation.

This bill will increase the support for Advanced Placement Programs to expand access for low income students so they might perform better in college preparatory courses.

Over the next decade, this bill doubles the investment in basic research at our Nation's leading Federal scientific research facilities so that we can take research out of the classrooms and put it into real-world applications.

That last point is equally important as the previous two. Yes, we should expand the math, science and engineering training for teachers, but we also need to focus now on the kinds of research that will elevate the production of technological innovation.

I am certain all of us come into contact with a computer every day, and it is a safe bet that many of those computers have an Intel chip inside.

One of the people who worked on the Academies report, Craig Barrett, the chairman of Intel, points out that 90 percent of the products his company delivers on December 31 did not even exist on January 1 of that same year.

That is an amazing pace of change. Handheld computers, Blackberrys, flash drives, the iPhone—these kinds of advancements create opportunity and demand for human capital. Human capital can harness science and opportunity—and keep our Nation at the cutting edge of global innovation.

So the challenge is clear we need to ensure our young people have the tools they need to harness their brainpower and keep up with the rate of innovation. That's going to take a greater commitment to public education in the areas of math, science, and engineering.

And I can tell you that if our children can't, won't, or don't take advantage of these opportunities, the children of other countries will. Our task is to commit to their success and this legislation does just that.

To conclude, I will say that the Federal Government alone will not solve these problems, and I don't believe Congress has a magic bullet to address all—or even most—of the challenges mentioned here today.

I do, however, believe we can all support the legislation before us today. The report by the National Academies panel is a fair and realistic assessment of how we ought to proceed.

Who could argue that we shouldn't look at ways to increase the pool of qualified math and science teachers, strengthen the Nation's commitment to research, make the United States the most attractive place to the Nation's and world's brightest minds, and ensure we protect intellectual property while allowing the freedom to innovate? These issues deserve the attention of our Nation.

I know—working together—we can and will adopt initiatives that will provide the best education for our future generations.

Mr. BOND. Mr. President, in today's global economy, continued progress in math, science, and engineering, and the transfer of this knowledge, is vital if the U.S. is to maintain its competitiveness and keep good-paying, cutting-edge jobs here at home. New products, processes, industries and future employment opportunities depend on the advances in research and their movement into the marketplace.

Missouri is a leader in a field of science that hardly existed 20 years ago—biotechnology. And I want Missouri to continue to be a leader in producing the best math and science minds in the country. How do we do that? One of our toughest educational challenges is helping our young people perform better in science and math.

We know that America's fourth graders and eighth graders are performing above the international average in math and science. But when they get to high school, they fall behind.

We need to do more. That is why I am pleased to support the America COMPETES Act, which strengthens educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, with a particular focus on math and science teachers. In addition, this bill makes a bold Federal investment in basic science research at the National Science Foundation, the DOE Office of Science, NASA and the National Institute of Standards and Technology.

As many of you know, I have been a strong supporter of NSF over the

years. NSF plays a critical role in the economic, scientific and intellectual growth of this Nation. It is one of our primary tools in meeting the global challenges of the 21st century by pushing the boundaries of scientific research and technology. NSF's work will give us a better insight into the world around us. This work will grow our economy and speed innovation, improving the quality of life for all people.

NSF's impact over the past half century has been monumental, especially in the field of medical technologies and research. The investments have also spawned not only new products, but also entire industries, such as biotechnology, Internet providers, e-commerce, and geographic information systems. Medical technologies such as magnetic resonance imaging, ultrasound, digital mammography and genomic mapping could not have occurred, and cannot now improve to the next level of proficiency, without underlying knowledge from NSF-supported work in biology, physics, chemistry, mathematics, engineering, and computer sciences.

New NSF support for research in nanotechnology, high-speed computing, plant genome research, biocomplexity, and cognitive neuroscience will further advance the state of technological change and improve our quality of life through creation of new products, a better understanding of how humans behave, and how our ecological systems can survive.

Unfortunately, the Federal Government has not always adequately supported NSF and the physical sciences with the dollars it deserves. While the Congress and the current and past Administration has strongly supported the life sciences, the physical sciences have been left behind. This has resulted in a major funding disparity between the life sciences and the physical sciences. This funding imbalance is alarming because it directly jeopardizes our Nation's ability to lead the world in scientific innovation. Further, we jeopardize the work of the National Institutes of Health because we are undermining the physical sciences, which provide the underpinning for medical technological advances.

Inadequate funding for NSF also hurts our economy and the creation of good jobs. In recent years, there has been an outcry of outsourcing jobs to other countries. And, our high-tech industry has been struggling to fill high-tech positions with American born workers. The best remedy to this issue is not protectionism but investing in the education and skills of our future workforce. This means better math and science education and technological skills, such as computer literacy. This is also a major part of NSF's mission.

My good friend Senator BARBARA MIKULSKI and I, along with many of my other colleagues, were pioneers in the fight to double the funding of NSF. Thanks to this effort we increased funding for NSF significantly; however, we fell short of our goal to double funding. The bill before us today provides an important opportunity to refocus attention on this critical goal and I am pleased that this bill puts us on the path to double NSF funding. It is critical that doubling funding for NSF remain one of our highest priorities and as a member of the Appropriations Committee, I hope we can do our part.

Future job and economic growth in the areas of health care, life sciences, defense, agriculture and transportation is directly related to scientific advancement. For these reasons it is important to support the America COMPETES Act and make an important investment in the economic security and growth of our country.

Mr. MENENDEZ. Mr. President, I rise in support of S. 761, the America COMPETES Act. I am proud to be an original cosponsor of this legislation, which takes important steps to make sure we are preparing our young people to be competitive and working to secure our Nation's future in a global economy.

That need has never been more urgent than today, when globalization and technology are tearing down the walls of geography, language, and income. Globalization has brought increased educational, technological, and societal advances to regions that only once dreamed of innovation. Today, as nations abroad are gaining a competitive edge, our younger generations are at risk of falling behind.

For a nation with endless resources at its fingertips, it is inexplicable that the United States continues to fall far below other nations when it comes to higher achievement. Yet this is the reality. On international assessments, our young people score below the average compared to other developed nations on math tests. Even when we just look at the highest achieving students, the United States still ranks near the bottom.

In the global race to have the most trained, highly-skilled, best prepared workforce, we are losing ground. And we are especially losing ground in fields that are the source of innovation and technology, which will increasingly become a key sector of the global economy.

Fewer of our college students are pursuing degrees in math, science and engineering, and if those trends continue, by 2010 more than 90 percent of all our world's scientists and engineers would be living outside the United States.

We cannot sit back and expect that we will continue to be at the top when it comes to global achievement. Where other countries are strengthening their education systems, we are not keeping up. We must regain that ground by investing in our younger generations. We must provide quality opportunities for young people now so that they can gain the science, math, and technological skills they need in an emerging global marketplace. We stand at a critical juncture, and how we proceed will determine the future for generations to come.

That is why this legislation is so critical—it is a commitment that we will do what is necessary to strengthen our Nation's future. This legislation will both bolster our research and development capabilities and better equip our young people to become the future leaders that this Nation needs. The America COMPETES Act will strengthen educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school. It will create grants for master's degrees in math, science, and foreign language and establish programs to improve math instruction for elementary and secondary students. This legislation also calls for substantially increasing funding for the National Science Foundation, doubling basic research funding over the next decade, and the creation of a national science and technology summit.

I am pleased this bill includes provisions I introduced last year to increase the participation of women and minorities in science. Specifically, this bill directs the Energy Department to increase the numbers of women and minorities in science and technology fields at all education levels—from kindergarten through the graduate level—and establishes a new outreach program for underrepresented minorities in grades K–12 to encourage careers in science and technology. While opportunities in these fields are becoming more accessible to all students, women and minorities are still sorely underrepresented in the sciences. It is my hope this legislation will help us to close that gap and ensure that young people of all backgrounds have the opportunities they deserve.

This bill also contains an initiative that would authorize partnerships between high-need or rural school districts, higher education institutions and the private sector, with the goal of revitalizing the high school science labs in those schools. This will help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lectures, and provide professional development for high school lab teachers. This provision—which I introduced last year as a separate bill—will improve the science learning experience for students in low-income and rural schools across the country.

As someone who was raised to believe there were no boundaries to what I could achieve, I know first hand that a strong education is the key to success. I was not constricted by the income my parents made, or by the neighborhood I lived in, but only my ability and my determination. With the assistance of the Federal Government, I graduated from college and law school, and had a world of opportunity open to me. I want every young person to have the

chance to achieve their dreams an fulfill their God-given potential. This bill will undoubtedly help countless young people reach that goal.

The time has come to make a robust, national commitment to the education of our youth at all levels, from kindergarten through graduate school and beyond. We cannot expect our country to be adequately prepared unless we are making the necessary investments in all of our students.

Our Nation faces great challenges to meeting the demands of global innovation and competition. A nation that is united in its purpose can answer that challenge, as we have so many times throughout our history. Just as an entire generation was once inspired to dream new dreams of reaching space, and a nation launched a bold investment in science and technology that put a man on the Moon, so can we lead a generation to be the next great leaders and innovators. This legislation will help achieve that goal. It will strengthen not only the competitive future of our young people but of our Nation. I urge my colleagues to support this important bill.

Mr. DODD. Mr. President, I wish to express my support for ensuring the ongoing competitiveness of U.S. capital markets, our economy and American workers. I have served on the Banking Committee since my first day in the Senate 26 years ago. During my tenure on the committee, and now as its chairman, preserving and strengthening America's preeminent position as the world's leading financial center has been among my primary objectives.

Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America's capital markets more competitive.

First, we must remain mindful that our markets remain the largest, most liquid, and most transparent on the planet.

Second, the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors; as such, we should resist the temptation to engage in a regulatory race to the bottom as a rationale to stay on top. Members of the Senate resisted that temptation yesterday when they voted, overwhelmingly, to defeat an amendment that would have significantly weakened a critical investor protection provision of the Sarbanes-Oxley Act. I want to thank the sponsors of this amendment, Senator SCHUMER and Senator CRAPO, for their vote opposing yesterday's amendment. In doing so, they affirmed their support for an efficient and effective regulatory structure and ongoing efforts at the Securities and Exchange Commission to lower the cost of compliance for small businesses.

Third the success of our markets also depends on our Nation's ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

We should do all we can to promote the ongoing competitiveness of America's capital markets. Our Nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally. Maintaining the preeminence of capital markets will not be easy. It will require honest and thoughtful leadership. As chairman of the Banking Committee, I look forward to furthering the dialogue on this important issue.

Mr. President, I ask for unanimous consent that the following remarks on competitiveness that I recently delivered to the U.S. Chamber of Commerce in March be inserted into the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Prepared Remarks of Senator Dodd to the U.S. Chamber of Commerce, Mar. 14, 2007]

FIRST ANNUAL CAPITAL MARKETS SUMMIT: SECURING AMERICA'S COMPETITIVENESS

Thank you, Tom, for that kind introduction. And thank you all for this opportunity to speak with you this morning. It's hard to believe that ten years have passed since Tom became President and CEO of the Chamber. He has done an outstanding job of leading this remarkable organization.

I am proud to have had Tom's and the Chamber's support on some of the most important pieces of legislation with which I have been associated. Laws like the Private Securities Litigation Reform Act; the Y2K litigation reform act; the Class Action Fairness Act; the Gramm-Leach-Bliley Act, which has helped bring our financial services sector into the 21st century; and the Terrorism Risk Insurance Act, which in the aftermath of 9/11 has played a crucial role in keeping our economy strong.

In all seriousness, these pieces of legislation represent hard-fought changes that have benefited the American economy and in so doing have also made our Nation a more hopeful and prosperous place for all.

They represent what can happen when people decide to reject partisanship and embrace partnership to create positive change for America. It is once again that sense of partnership that has brought us together today.

America in these early years of the 21st century is by some measures doing well. But I defy anyone to say that we cannot do better. Wherever I go—from boardrooms to class rooms to living rooms—Americans are deeply concerned about our nation's future. And I share that concern.

We are at a critical moment in our nation's history. Our leadership in the world has been achieved over a period of two and a quarter centuries by the vision and sacrifice of generations of patriots and statesmen. U.S. leadership is today being questioned and in some ways squandered as it has never been before. The stakes for all of us as Americans could not, in my view, be higher.

The topic of today's gathering is the future of America's capital markets. But in reality, we are all here out of a shared concern about the future of America itself. The issue before us today presents an opportunity for us all—Democrats and Republicans, private entrepreneurs and public leaders—to come together to have a serious discussion about ways to move our country forward.

The Capital Markets Commission report is a thoughtful document that makes an important contribution to the debate about the future of our Nation's capital markets.

I commend the Chamber, the Commission and its co-chairs—my good friend Bill Daley and Arthur Culvahouse—for highlighting some of the key challenges facing our capital markets. I look forward to analyzing the report's recommendations in greater depth and examining them in the Senate Banking Committee at a hearing I intend to hold in the coming weeks.

I have served on the Banking Committee since my first day in the Senate. No one now in the Senate has served there any longer. As a member of that Committee, and now as its Chairman, I have had one overarching objective: to preserve and strengthen America's preeminent position as the world's leading financial center.

That objective is so crucial because our nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally.

My service on the Banking Committee has provided me with a tremendous opportunity to observe, study, and, I hope, strengthen our capital markets. Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America's capital markets more competitive.

First, we should keep in mind that, as we speak, America's capital markets remain the most dominant in the world. That is not empty rhetoric. It is a demonstrable fact.

For example, the total amount of financial stock in the U.S.—equities, bonds, loans, and deposits—is more than six times the amount of the U.K.'s, more than double Japan's, and four times that of the other Asian capital markets.

America's dominance is also proven by the market capitalization of the major exchanges. Yes, IPO and trading activity on overseas exchanges has been growing. I am very aware of that, but the market capitalization of the major U.S. exchanges dwarfs that of their overseas competitors. The market cap of the New York Stock Exchange is $15 trillion dollars. That is 15 times the value of the Shanghai Stock Exchange, four times the value of the London Stock Exchange, and three times the value of the Tokyo Stock Exchange.

Much of the growth in capital is coming from overseas investors—and according to some measures, in record amounts. The most recent Economic Report of the President found that foreign investment in U.S. financial stock such as U.S. Treasury securities, corporate stocks, and corporate and other private bonds totaled $5.7 trillion in 2005—the highest level in nearly thirty years.

In addition, 34 foreign IPOs listed on U.S. exchanges last year—the highest percentage of foreign IPOs in the U.S. in 20 years.

It is worth pointing out that all of this growth has been achieved despite the 2001 recession, the 9/11 terrorist attacks, a string of corporate scandals, and the ongoing lengthy, bloody, and costly wars in Iraq and Afghanistan.

So, despite the bearishness of some, the United States remains the preeminent destination for global capital.

We're hearing a lot these days about London, and Hong Kong, and Shanghai. But the fact is, the U.S. capital markets remain the largest, most liquid, most innovative, most resilient, and most lucrative in the world.

And on my watch, as Chairman of the Senate Banking Committee, I intend to keep them that way. Which leads me to the second consideration that must guide us: our

capital markets are strong precisely because of—not despite—the legal architecture within which those markets have been conceived and grown.

That is probably not a particularly surprising observation from someone who has helped to build that architecture. But lawmakers are not the only ones who understand the value of our laws to our capital markets.

Three years ago, Alan Greenspan was asked to explain the phenomenal size and strength of the American economy. He had this to say: ''[A]rguably the most important factor is the type of rule of law under which economic activity takes place.''

Glenn Hubbard, the former chairman of President Bush's Council of Economic Advisors, echoed those thoughts in a 2004 report. He said: ''Effective capital markets require . . . the enforcement of laws and property rights, transparency and accuracy in accounting and financial reporting, and laws and regulations that provide the proper incentives for good corporate governance.''

More recently, last month, a Goldman Sachs study analyzed the condition of America's capital markets. It found that the strength and continued appeal of those markets could be explained in no small part by what the report called: ''a history of solid regulation.''

That ''history of solid regulation'' means that investors know that they are reasonably certain to get a fair shake in our markets. Win or lose, they invest with a high degree of confidence that American balance sheets are accurate, that investment products like securities and derivatives are properly valued, and that the markets are well-policed against those who would commit negligent, deceptive, or fraudulent acts.

So the value of the laws and regulations within which our markets operate can hardly be overstated.

Now, let me quickly add that is not to say that all regulation is good—any more than it is accurate to say that any regulation is bad. Our laws and regulations are not to be entrenched—and attempts to revise them must not be resisted.

On the contrary, we write our laws on paper. We don't etch them in stone. We should never be unwilling to revisit and reexamine past assumptions, and we will do just that under my Chairmanship.

That is why I also support the efforts of Chairman Cox and Chairman Olson with regard to improving regulations implementing the Sarbanes-Oxley Act. Sarbanes-Oxley was never intended to handcuff companies that seek to innovate. It was meant to improve accountability and transparency in our public companies and restore confidence in the integrity of the markets. The rulemaking currently underway will help ensure that the core intent of Sarbanes-Oxley is upheld and advanced.

That is also why I support the effort by the NASD and the NYSE to consolidate into a single SRO for all broker-dealers. This new self-regulatory organization holds the potential to not only improve the efficiency and consistency of securities industry oversight, but also to reduce costs to member firms.

I have always been open to new ideas and new approaches to achieve important policy goals in new, more efficient, and more effective ways. That kind of approach is more critical today than ever. The stakes are simply too high for us to be afraid to think innovatively and to act decisively.

I take a back seat to no one in my commitment to the preeminent power of America's markets.

But we must resist the temptation to engage our international competitors in a regulatory race to the bottom. Our laws and rules to protect individual investors are a crucial competitive advantage in the global marketplace. Our competitors know that. If we jettison some of those legal protections, we hand our competitors a victory greater than any they could achieve on their own. And we would almost certainly see the slow flow of capital out of our markets and into those of our competitors.

The third and final thought I wish to make today is that America's continued ability to attract financial capital hinges on our ability to cultivate and attract intellectual capital.

There is no question that the growth of capital markets in Asia, Europe, and elsewhere merits our consideration—and in certain respects, our concern. Without a doubt, the number and size of IPOs in places like Moscow, London, and Hong Kong is on the rise. I want you to know that I am not unmindful of that.

But a closer examination of these foreign markets reveals an interesting fact: American firms are leaders there, just as they are leaders here. Consider America's leadership in the European capital markets. According to the McKinsey report commissioned by Mayor Bloomberg and Senator Schumer, three of the top five firms in the European markets—be they engaged in IPOs, mergers and acquisitions, or debt issuance—are Americans.

Visit virtually any emerging market in the world today, and you are almost certain to find American firms shaping, guiding, and leading that market into the 21st century global economy. American firms are providing the lawyers, accountants, analysts, investors, and entrepreneurs who are structuring deals, growing jobs, and creating new wealth.

In that regard, the growth of markets overseas is something to embrace rather than fear. Because that growth is creating new opportunities for American firms to earn new business.

However, our ability to tap and shape those markets depends in large measure on our ability to educate, recruit, and train the best talent in the world. Last week, I listened to Bill Gates. He came to Washington to sound an alarm bell about how the shortage of educated and skilled workers threatens our Nation's overall economic competitiveness. It was a sobering assessment.

Yet, a decline in the number of educated and skilled American workers is by no means inevitable. On the contrary, many of us in the Senate—Republicans as well as Democrats—share a strong commitment to improving the educational achievement of our students. That is particularly true of math and science, where we continue to lag behind many other industrialized nations.

In a global economy, we must realize that an American child no longer competes for a job against the child from the next town. Nor does he or she compete against a child from another state or region ofthe country. No. Now our kids are competing for jobs against kids from China and England and India. And the best jobs will go to the kids who can think creatively, can understand key mathematical and science concepts, and can solve problems—regardless of where they live.

So we must work to increase the pool of home-grown entrepreneurs and highly skilled workers. At the same time, we must remain open to those from other nations who have the talent and drive to succeed in America. Our immigration laws necessarily should place a priority on homeland security needs. But that can be done without erecting needless barriers to those who can help America create new wealth and new jobs.

In sum, then, when we discuss the competitiveness of America's capital markets, I hope that we will keep these thoughts in mind:

First, that our markets are still the largest, most liquid, and most transparent on the planet.

Second, that the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors.

And third, that the success of our markets also depends on our nation's ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

Creating the change necessary to maintain the preeminence of our capital markets will not be easy. It will require leadership. But we dare not shrink from the challenge.

At the outset of these remarks, I said that while today's meeting is about the future of our capital markets, in a broader sense, it is about the future of our country.

I had an experience not long ago that I want to share with you. My five year old daughter, Grace, was getting ready for school one morning, when she looked up at me and said, ''I wonder what my day is going to be like.'' It's not every day that you get that question from a five year old.

A moment later, she looked up again and said these exact words: ''I wonder what my life is going to be like.'' She had just turned 5. How do you answer that? It's a question that I would guess many of you have heard before. Because it's a question that all parents often ask about their children or grandchildren.

None of us can know with certainty the answer to that question. But we do know that the lives all of our children lead will depend in no small measure on the work that you and I will accomplish in the next few years.

We gather today not as Republicans or Democrats, but as Americans who are committed to the future success of the greatest wealth generator of all time: American capitalism.

We all have a stake in creating hope and prosperity for those who will come after us. I will work with you to build on our legacy of the American dream and expand security and opportunity for all Americans.

Because these urgent times demand nothing less than all of us working together to create that change.

That is what I have been doing my entire life in public service—reaching out and turning rhetoric into results, ideals into initiatives, and principles into progress for our country. Many talk about change. This is not a time for talk. It's a time for action. Our challenges are too serious and too urgent to merit anything less.

So let us join together once again to turn people's dreams into realities. And let later generations say that, at the beginning of the 21st Century, after an uncertain start, America's leaders charted a new course that once again matched America's progress to her promise.

Mrs. MURRAY. Mr. President, with this bill, we are taking a major step forward to help America's workers compete and win in the global economy.

I have been working on education, workforce and competitiveness issues for many years, and I will never forget a roundtable I held in Washington State a few years ago. Sitting around the table, we had business owners, higher education officials and public school educators.

The big question was this—who is responsible for making sure our students get the skills they need? Businesses didn't want to hire somebody and then have to train them in the basics. Higher education leaders wanted to be able

to focus on college-level material, not remediation. And high school leaders were working as hard as they could just to deal with the demands on their plate.

So whose responsibility is it to make sure our students get the skills they need?

It is all of our responsibility, and that is what this bill finally recognizes. It ensures that our Federal agencies—from Commerce to Education to Energy to the National Science Foundation—take aggressive steps to keep American workers ahead of the curve.

I am very proud that our country is home to some of the most innovative workers, schools, and companies in the world. But I have been frustrated that for too long our government has not used all the tools available to strengthen the hand of American workers in the world marketplace. This bill finally gets us on the right track, and that's going to pay dividends for generations.

I worked to strengthen this bill through my amendment to improve math education in high school. Just yesterday, we had a hearing in the Senate HELP Committee, where education experts from across the country told us that math instructional support does not extend as far as it needs to in high school. That's why I offered an amendment to help address this shortcoming. The Murray Math Skills Program offers competitive grants to help high schools hire math coaches to provide targeted support for students and math teachers. It will ensure high school students have the rigorous math materials, instruction, and support they need to pursue college and careers in engineering, science, math and technology. I am excited that my amendment was included in this bill to make sure high school students get the math support they need.

I am pleased that this bill doubles funding for the National Science Foundation and the Energy Department's Office of Science over the next 10 years. It also encourages high-risk research and supports research at NASA.

As I work on issues like this, I bring the perspective of not just a Senator, but a former educator and someone who represents one of the most innovative regions of our country—the Pacific Northwest. I have seen firsthand the connection between what we do in our schools and what our businesses and economy are able to do. I am proud to represent a state that is home to some of the most innovative workers and companies in the world in diverse fields like computers, software, biotechnology, aerospace, and many more. So as I work on these issues, I know how important a skilled workforce is to our quality of life.

I also know that so much is at stake. Businesses spend about $60 billion just to remediate new employees, and that doesn't include what colleges have to spend to help incoming students catch up.

The statistics are troubling. According to a report called ''Tough Choices or Tough Times'' from the National Center on Education and the Economy, the number of engineering degrees in the United States is down 20 percent from its peak year in 1985. This is just one indicator of the trouble ahead if we don't turn this ship around.

I have heard time and again from experts, including the ''Rising Above the Gathering Storm'' report, that our economic future depends on our ability to innovate, think creatively, and create technological breakthroughs.

Our students and workers need strong skills in math, science, engineering, technology, and problem solving to make these kinds of technological and scientific breakthroughs that help ensure our Nation's place in the world. This bill moves us in the right direction by putting in place several key pieces of the puzzle.

Let me turn to the substance of the bill. The America COMPETES Act helps increase our country's investment in research, including the type of higher risk research that can lead to major breakthroughs. It also helps students get the skills and experiences they need from elementary school through graduate school in science, technology, engineering, and mathematics. I applaud the bill for also making great steps towards attracting women and minorities into these studies and careers; groups that have been historically underrepresented in math and science. Finally, the bill helps bring an array of representatives to the table to develop a foundation for innovation and creativity, which is so important to our country's competitiveness.

When the HELP Committee first began to consider these issues in the 110th Congress, we heard from Bill Gates, chairman of Microsoft in my home State, at a hearing titled ''Strengthening American Competitiveness for the 21st Century.'' We all heard his urgent call for our country to invest in education, healthcare, and basic science research. As Bill Gates put it:

> The U.S. cannot maintain its economic leadership unless our work force consists of people who have the knowledge and skills needed to drive innovation.

This bill recognizes that truth and moves our country in the right direction. It is not the final word. We still have a lot of work to do in areas like workforce investment—but it is a critical step forward, and I urge my colleagues to join me in voting for the America COMPETES Act.

Mr. VOINOVICH. Mr. President, I rise today to join a number of my colleagues in support of the America COMPETES Act, of which I am an original cosponsor.

Prior to the completion of the National Academy of Sciences' ''Rising Above the Gathering Storm'' report more than a year ago, I joined my colleagues, Senators ALEXANDER and BINGAMAN, in a meeting with Norm Augustine, the lead author of the report and the former CEO of Lockheed Martin. It became clear to me then that Congress had to make the report's recommendations a top priority in order to maintain our Nation's competitive edge. I am proud to come to the floor today to say that we are on our way toward meeting their challenge.

In the big picture of where the United States stands, it is clear that the economic framework of our Nation needs to be renewed. I happen to believe that our Nation's health care system places our businesses at a disadvantage globally, and that we must build regimes globally to enforce intellectual property rights, which will be the currency from which our economies will grow. Most importantly, the time is now right for a national commitment toward becoming more energy independent. I call it a Second Declaration of Independence—this time from foreign sources of energy.

However, reaching these goals will be impossible without a workforce full of educated and motivated young Americans. This means we must place more emphasis on careers based in the fields of science, engineering and mathematics.

Right now, we are not getting the job done. Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, falling from third place several decades ago. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

The America COMPETES Act will help us reverse these trends. The COMPETES Act would strengthen mathematics, science and engineering education and expand opportunities for students; it also would improve our science infrastructure and increase our investment in critical research.

Since the release of the NAS report, I have traveled throughout Ohio to discuss the recommendations with scientists from our State's top research institutions, elementary and secondary school teachers who are preparing tomorrow's workforce, business leaders and others. At Youngstown State University, I visited with local math and science teachers in grades 5–10 who had partnered with the University and the Department of Education to improve their skills and gain the tools necessary to pique students' interests in the math and science fields. I also traveled to The Ohio State University in Columbus and spent time at the Future Engineers Summer Camp with Ohio eighth graders, and was briefed on the collaboration among the University of Akron, Akron City Schools and the National Inventors Hall of Fame for a middle school focused on math and science. These are the types of programs that will strengthen our nation's competitiveness and these are

exactly the types of programs that the COMPETES Act aims to expand.

Again, I am encouraged that so many of my colleagues in Congress have recognized the need to focus on these goals by sponsoring the bipartisan COMPETES Act. While this bill isn't perfect, it is certainly a step in the right direction and a great example of what my colleagues and I can do by working together. Too often around here we get caught up in driving our own train and are too busy to realize that we don't have any passengers. I am happy to be a passenger on this particular ''train'' and am confident our action in the Senate this week on the COMPETES Act is a step in the right direction for our country and our position in today's global economy.

Mr. LEVIN. Mr. President, yesterday I voted to table Senator COBURN's sense-of-the-Senate amendment that would have called for a requirement that all newly authorized programs be offset by deauthorizing something else. I support eliminating programs which are wasteful or unneeded whether or not we are authorizing a new program.

The Coburn amendment was offered to an authorization bill which spends no money. It targets the authorizing process, not the appropriations process by which Congress allocates funds and determines priorities among authorized programs. The Coburn amendment also fails to address tax cuts which dig us into a deeper and deeper deficit ditch.

I support fiscal responsibility and have supported a number of strong budget tools this year like the provision which reestablishes a strong pay-go rule, which would require any new spending or tax cuts be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. The amendment offered by Senator COBURN takes the wrong approach.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

AMENDMENT NO. 942

Mr. KOHL. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up my amendment, which is No. 942, for consideration.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. LEAHY, proposes an amendment numbered 942.

Mr. KOHL. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

Mr. KOHL. I ask unanimous consent to add Senators BAYH, MENENDEZ, and VOINOVICH as cosponsors to amendment No. 942.

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

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the Manufacturing Extension Partnership Program)

On page 34, line 17, strike ''$120,000,000'' and insert ''$122,005,000''.

On page 34, line 20, strike ''$125,000,000'' and insert ''$131,766,000''.

On page 34, line 23, strike ''$130,000,000'' and insert ''$142,300,000''.

Mr. KOHL. Mr. President, I rise today to offer this amendment to the America COMPETES Act which would authorize appropriations for the Manufacturing Extension Partnership, known as MEP, through 2011. I am a long-time supporter of the MEP program and believe a healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living in the United States.

Manufacturers today are seeking ways to level the playing field so they can compete globally. One way to level the playing field and increase competitiveness of manufacturers is through the MEP program. MEP streamlines operations, integrates new technologies, shortens production times, and lowers costs, which leads to improved efficiency, by offering resources to manufacturers, including organized workshops and consulting projects.

In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with MEP centers to develop domestic supply chains. I am proud to say these companies found it more profitable to work with small- and medium-sized Wisconsin firms than to look overseas for cheap labor.

The amendment I am offering would increase the amount of funding available to the MEP program by $19 million over 4 years, allowing MEP centers to reach more manufacturers and to increase the services they provide. I believe we would be hard-pressed to find another program that has produced the results that MEP has on their limited budget. In fiscal year 2005, MEP clients reported over 53,000 new or retrained workers, sales of $6.3 billion, and $1.3 billion in cost savings. This is the type of program in which we should be investing more, not less.

Unfortunately, the administration doesn't support this award-winning program. I believe MEP is one of the most valuable assets the Government gives manufacturers. The program has a proven record of saving manufacturing jobs now, and it will strengthen the U.S. manufacturing base for the future. I have written to Secretary Gutierrez, and I have spoken to him about the need to save MEP. The MEP program has received wide bipartisan support in the Senate. This year, 48 Senators signed a letter asking for increased funding for MEP, and the amendment I am offering has 12 cosponsors from both sides of the aisle.

Ten years ago, American manufacturers were not facing the competitive threats they now face from low-cost producing countries such as China and India. The increase in competition from these countries has required our manufacturers to find better, cheaper, and other ways to produce their products, which is where MEP directly comes in. MEP can help these companies reduce their costs and enter new markets, thus allowing them to be competitive in the global marketplace. With the increased threats American manufacturers now face, there is more need than ever to increase the funding for the MEP program. So I urge my colleagues to support this program.

At this time I will avoid asking for the yeas and nays.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. KOHL. Mr. President, I ask unanimous consent that notwithstanding adoption of Obama amendment No. 923, as modified, the previously agreed to DeMint amendment No. 929 still be in order.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I rise in support of the Kohl amendment. I, first of all, appreciate the terrific work he has done in the Manufacturing Extension Partnership.

I come from a State with many of the same problems the Senator from Wisconsin faces, including a decline in our industrial base. In too many cases, many of the 3 million manufacturing jobs our country has lost are in my State, and it especially hurts those small manufacturing companies, those small tool and dye makers, those small machine shops in Steubenville and Akron and Toledo. The work he has done on the Manufacturing Extension Partnership has already helped turn around some of those businesses in my State, in Ohio, in the Miami Valley, and the Mahoney Valley and everything in between.

The MEP allows small companies—the big companies don't need the help so much—similar to the Agriculture

Extension Service, which is so important throughout the world and America—the Manufacturing Extension Partnership has really mattered in helping these small companies, whether it is cutting energy costs, whether it is learning how to export, working with the U.S. Export Assistance Center, whether it is dealing with some kind of trade policy, perhaps, or tax policy, helping those small companies learn how to compete in this increasingly difficult and competitive global environment. The MEP has had strong support from both parties, so I strongly urge my colleagues in both parties to support this amendment.

There is simply no reason the administration every year comes and tries to cut this, and every year we fight back and restore the funding. I will be discussing later, either in this bill or sometime later, legislation I have introduced to allow a revolving fund through the Manufacturing Extension Program done locally. In Ohio I believe there are 11 or 12 regions of the State under MEP that can help, that really can help, help form MEP programs in working with these small businesses, these small manufacturers. In Cleveland there is a program called Magna, and in Kyoga County specifically they have had this revolving loan program—sort of a pilot program—that has helped with innovation and with the manufacturing, marketing, and with the development of new products. I think the Kohl amendment will go a long way in helping MEP help small businesses and help us compete globally. So I ask my colleagues for support of the Kohl amendment.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 955, AS MODIFIED

Mr. BINGAMAN. Mr. President, I am informed by the chairman and ranking member of the Finance Committee, whose jurisdiction this would be under, that the amendment Senator INHOFE has offered, amendment No. 955, as modified, which is now at the desk, is acceptable to both sides at this point.

Mr. President, I ask unanimous consent that it be brought up, agreed to, and that the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 955) was agreed to.

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

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

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. REID are printed in today's RECORD under ''Morning Business.''

Mr. REID. I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, in consultation with the managers of the bill, they have granted me some time to bring up three additional amendments that I believe are important as we look at the bill.

AMENDMENT NO. 918

Mr. COBURN. First, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 918 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 918.

The amendment is as follows:

(Purpose: To provide a sunset date)

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

The ACTING PRESIDENT pro tempore. Under the order, the Senator is recognized for up to 20 minutes.

Mr. COBURN. Mr. President, this is a sunset amendment. It is very plain, very straightforward. It says, can we be assured that we have, with absolute certainty, all the wisdom, facts, and knowledge we will need 4 years from now as to the viability of the programs expressed in this bill?

It is one thing the American people would like to see us do—relook at, on a regular basis, what we authorize to make sure what we are doing still has application. As a matter of fact, the biggest problem I have noticed in our Government is that we don't do oversight, we don't review and reassess, except in very rare instances.

This amendment is very simple. It just says that in 4 years, we are going to look at it again. We are going to sunset the bill, and probably a year before that Senator ALEXANDER and his companions will come back, relook at it, tweak this, make the changes they need to make, and then have the America COMPETES Act again 4 years from now. The key component of what it does is it forces us to look at it because it is going to expire, it is going to run out of gas.

What happens now is that we pass things and don't ever look at them again. I believe the Senator from Tennessee, as well as the Senator from New Mexico, would agree that we fail to do proper oversight in this body. That is one of the very lacking components of the job. It is hard work, oftentimes not fun, but it is very important to the future of this country.

Some people will say that we should not sunset this, that the implication is that we know now what we are going to need to know 4 years from now. But, in fact, we sunset a lot of things, from the PATRIOT Act, to the tax bills, to the Ryan White health care bill, to Defense bills, to veterans bills. I put forward that we need more sunsets because of the discipline it will force on us as representatives of the American people to do what is in their best interest, with the knowledge we have on hand at that time.

I don't know whether this amendment will pass, but it is a great judgment for the American people to look at us and say are we serious about doing the business or are we so arrogant or elitist that we think we know now absolutely what we need to know 4 years from now.

I had a good debate with Senator DURBIN on the previous bill the body considered. One of his suggestions was that I should have offered a sunset to that legislation. I think that is a great suggestion. I think it is equally apropos that we do it on this legislation. It gives us the benefit of our experience over the next 3 years, it allows us to have the hearings in the committee and the committee work we need to do—as a parenthesis, this bill didn't go through any committees, didn't have the pleasure of the Commerce or HELP Committee—and allows us to look at and see what we have been doing and whether it is effective, whether or not the American people actually get good value for the money over what we intend them to do. That is our real obligation. It is not to create an America COMPETES Act, it is not to pass a piece of legislation, but, in fact, it is to make sure that whatever we do, the American taxpayer dollar gets a great accomplishment for that.

I reserve the remainder of my time and will listen to the opposing points of view on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will speak briefly on the amendment. I know the Senator has two other amendments he wants to also discuss, and there may be others who want to come back and say something about this amendment.

I urge my colleagues not to support this amendment. Under the rules of procedure that we follow in the Senate, an appropriation can be objected to if the underlying activity that the money is being appropriated for has not been authorized. So we try to pass authorizing bills. That is what this legislation is. This is authorizing legislation.

If everything were perfect around this place, then we would always get our authorizing bills reauthorized in time so that there would never be a lapse. Unfortunately, that is not the case. There are a lot of authorizing bills that we have allowed to lapse. That does not mean that we quit funding those activities. We, in fact, continue funding those activities through the appropriations process until Congress organizes itself and passes a new reauthorization. But the old reauthorization remains in place until there is something new to replace it or until there is some conscious decision.

These are not new activities, by and large, we are talking about in this legislation. A lot of this is activities that we have done for a long time, and we are trying to, once again, authorize them. We are trying to increase the amounts available for these different activities, whether it is science education, scientific research—whatever the issue is.

If the amendment of the Senator is adopted, my understanding is that effective on October 1, 2011, there is no authorization at that point from then on for any of this bill. Therefore, any Congress that tries to appropriate the funds, a point of order could be raised that this is trying to appropriate money for an activity for which there has not been an authorization. I think that would be unwise. That is my basic view.

I certainly favor the Congress performing its appropriate job of coming back by the time these authorizations are completed, the various dollar figures we have in this bill, and looking at this again and doing a rewrite of the authorization. That is what we are trying to do with No Child Left Behind right now. I can tell you that before No Child Left Behind was ever enacted, there was a year or 2 years where the Elementary and Secondary Education Act essentially had expired by its language. There was no sunset such as the Senator is recommending here, but the 5-year authorization had expired. Yet we could go ahead because the underlying language still had force and effect.

I also have great questions as to the legal effect of this amendment. Here we say the provisions of the act and the amendments made by the act shall cease to have force and effect on or after October 1, 2011.

Some of the provisions of the act are repeals of other acts or repeals of other provisions. Are we saying that in one bill we would be saying we are repealing this provision, but we are also saying as of October 1, 2011, the repeal no longer has any force and effect and the provision comes back into effect?

I think there are all sorts of confusion that would be sown by trying to adopt this amendment. I oppose it myself. As I say, I think there are others who wish to speak on it before we get to a vote. I know the Senator has two other amendments he wishes to address.

I yield the floor, and yield to my colleague from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I don't want much time. How much time does the Senator have?

The ACTING PRESIDENT pro tempore. The Senator has 15½ minutes for all three amendments.

Mr. DOMENICI. Mr. President, I hope I don't use over 3 minutes. Maybe the Chair can notify me at 3 minutes.

I rise to indicate that I don't think we should adopt this amendment. Frankly, some of the provisions in this act are only authorized through 2011. Now we come along and authorize them for that long, meaning we are going to probably work at redoing them, but we have hanging over our heads a sunset that came into existence just a couple of years after we put the bill into play.

Here is the problem: If you want to go to a sunset approach to minimizing our Government, then why in the world would you start with one of the best pieces of legislation we have adopted? This is good law. This is going to be doing great things. If you want to have a sunset provision, pick a bunch of these things you know aren't any good and sunset them, not sunset a bill that has some force and effect that carries on much broader and has the chance of doing some real good.

This one in the end will be extremely mischievous at the most, and some people will claim that it did great things. The truth is, this bill needs more than the time allowed by this amendment because it is new ground, new approaches to putting more brain power into the brains of America's students as they go through school. You can't do that in a short period of time.

This is the wrong bill, the wrong time to sunset, and it won't do any good. Therefore, it should not be adopted. I thank the Senator for yielding me 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the claim of Senator BINGAMAN that a point of order will lie against this is wrong. Paragraph 7, rule XVI only requires the Appropriations Committee to list the unauthorized programs. He made my point: 20 percent of our appropriations are unauthorized from expired or sunsetted programs. It won't stop anything if it is a good program.

I contend with Senator DOMENICI that he thinks this is a great bill, but the only way we are going to know is the results of the bill. So based on what we think, not on what we know, is the reason this bill should be sunsetted so that it forces us to go back and look at what we might think we know today but didn't know and change it.

It is about putting discipline into our body. It is about forcing us to do the work the people told us they wanted done when we came here. It requires us to not be fortune tellers, to not be seance dwellers, but to, in fact, look at the facts after 3 years, see what it has accomplished, and forces us to make the changes.

The Senator knows quite well that on most of the programs we haven't done that. That is one of the reasons we had a $350 billion deficit. That is one of the reasons we had $200 billion that we spent on wasteful, duplicated, or fraudulent programs last year out of the $1 trillion we spent in the discretionary budget.

What I am trying to do is force us to do the hard work of relooking. I agree, does that make it hard? Yes. Nobody said it was going to be easy. But I would want any Senator in this body who says they know the outcome of this bill to put something behind that and say we don't need to relook at it. That is the question. This is a disciplinary force that says we have to come back and look at it.

Let me remind my colleagues again. There are great ideas in this legislation. I don't doubt that for a minute. This didn't go through the committee process. This wasn't made available for amendments. On an $80 billion authorization—which is what it is going to be if we guess at the sums that are authorized for this bill—to not have it go through either committees of jurisdiction and come to the floor, and we are going to spend this kind of money and we are going to think rather than know it is going to work, and to say we should not look at it I find really ironic, and I feel pretty sure most of the American people would think we can't know for sure.

It is a commonsense amendment and will cause us to do what is necessary.

AMENDMENT NO. 922

Mr. President, I ask unanimous consent to set the pending amendment aside.

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

Mr. COBURN. I call up amendment No. 922.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 922.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To promote transparency at the National Oceanic and Atmospheric Administration)

At the end of title V of division A, add the following:

SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or

other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we passed the Fisheries Act, the Magnuson-Stevens Act, which was reauthorized this year in which Senator STEVENS undertook, correctly, the responsibility of eliminating conflicts of interest and created oversight on the fisheries boards.

We have recently had notification and seen some pretty significant abuse within NOAA of some of their grant processes. All this amendment says is, we are going to add some accountability and transparency to the National Oceanic and Atmospheric Administration grants program.

I refer my colleagues to a Baltimore Sun article which has been prominent in that newspaper over the last couple of weeks where over $10 million in a grant has failed to demonstrate results. It is riddled with conflicts of interest, and it has had little to no oversight from NOAA.

Before we expand NOAA, one of the things we ought to do is make sure there are no conflicts of interest, financial or otherwise, in the grant process.

I ask unanimous consent to have printed in the RECORD both articles outlining this situation, as well as a Stanford study on other areas of NOAA where there is a lack of informed consent and a lack of conflict of interest rules for NOAA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Environment News Service, Nov. 13, 2003]

FISH PERISH AS CONFLICT OF INTEREST SNARES MANAGEMENT COUNCILS

WASHINGTON, DC.—The regional fishery management councils that govern the multibillion dollar U.S. commercial and recreational fishing industry are dominated by the industry, exempted from federal conflict of interest laws, and subject to little federal oversight, says a new report released Wednesday by three Stanford University researchers. Sixty percent of appointed council members have a direct financial interest in the fisheries that they manage and regulate, say the authors of the report, ''Taking Stock of the Regional Fishery Management Councils.''

Stanford's Josh Eagle, Barton Thompson Jr., and Sarah Newkirk conducted a review of the mandates, constitution, rules, and procedures of the United States' Regional Fishery Management Councils, and surveyed members of four of the eight councils. Their study, sponsored by The Pew Charitable Trusts, concludes that the councils have presided over the economic and biological decline of many fisheries, and that the councils are not likely to implement the kind of management necessary to prevent future declines. ''The oceans are among the nation's greatest natural resources, yet few Americans know who manages the nation's fisheries or how decisions affecting the sustainability of fisheries are made,'' said co-author Josh Eagle, director of the Stanford Fisheries Policy Project and lecturer in law at Stanford Law School.

The eight fishery councils were established in 1976 by the passage of the Fishery Conservation and Management Act, now known as the Magnuson-Stevens Act, to take primary responsibility for the management of dozens of fisheries along U.S. coasts in Atlantic, Caribbean, Gulf of Mexico and Pacific waters.

The recent collapses of once abundant species, such as cod in New England and rockfish off the Pacific coast, have caused hardship for fishing communities across the country. In addition salmon, tuna, red snapper, lobster, and blue crab, among many other species, are overfished, and many scientists, including the report's authors, say an essential step in helping these species recover is to put an end to overfishing. Eagle said, ''With more than a third of the nation's studied fish stocks overfished and the status of many more uncertain, it is clear that we must apply standards of good government to the management of America's fisheries and place the public's interest first.''

The councils opened a three day conference today in Washington, DC to educate the public, policy makers, and media on the marine fishery management process. They are presenting successful management examples by region, and current management and research initiatives. The councils say they wish to ''help bridge the gap between perception and reality regarding fisheries management'' and to provide a forum for information exchange and to solicit a wide range of perspectives on future management and marine research directions. But Eagle, Thompson, and Newkirk say in their report that the councils are unlikely to solve the current problems facing the Nation's fisheries for at least three reasons.

First, council members face a conflict of interest because they must limit the number of fish that can be caught to ensure their conservation while also allocating the allowable catch among members of the industry, who may apply pressure to increase the size of their quotas. Second, because 80 to 90 percent of appointed council members are from the fishing industry, diverse viewpoints are not fairly representated in council discussions and decisionmaking, the report states. Each council has only one environmental representative, one state official and one federal official in addition to the fishing industry members. Congress requires federal advisory commissions to be ''fairly balanced in terms of points of view represented and the functions to be performed by the advisory commission,'' but the fisheries management councils are not subject to the Federal Advisory Committee Act.

Finally, the split in responsibilities between the councils and the National Marine Fisheries Service removes effective accountability for the status of the Nation's fisheries, the report's authors conclude. An example from the Western Pacific Fishery Management Council based in Honolulu, reported by the ''Cascadia Times,'' shows how the process works in practice. In June the Secretary of Commerce appointed longline fisherman Sean Martin to a seat on the Western Pacific Fishery Management Council. Martin is also co-owner, with Jim Cook, of Pacific Ocean Producers, a fishing equipment supply company.

Longlining kills endangered sea turtles when they become entangled in the 60 mile long fishing lines baited for swordfish and other commercial fish species.

On September 23, the Western Pacific Fishery Management Council decided whether or not to reopen swordfishing in Hawaiian waters through which endangered leatherback turtles migrate. Biologists told the council the rule would harm 144 sea turtles per year, but on a motion by Martin, the council voted 8–5 to reopen the fishery. The September 23 vote may also lead to violations of the Endangered Species Act. ''It would authorize a far higher number of sea turtle takes than the scientific record supports,'' says William Hogarth, assistant administrator of the National Marine Fisheries Service, now known as NOAA Fisheries.

Some fisheries management councils do take action to protect fish species. On November 21, following action taken by the federal Pacific Fishery Management Council and conforming action taken by the state of California, recreational and most commercial fisheries for nearshore rockfishes, shelf rockfishes, California scorpionfish (sculpin), and lingcod will close in all Pacific waters. ''In past years, anglers had more opportunities to fish for rockfish in deeper waters. This year, fishing for rockfish was limited to waters shallower than 120 feet which put greater pressure on nearshore species,'' explained Fred Wendell, California Department of Fish and Game nearshore fishery manager. And some fish populations are doing well. The Mid-Atlantic Fishery Management Council released survey data in June showing summer flounder numbers had reached the highest levels ever recorded since the survey began in 1968.

''The robust recovery of the summer flounder stock is a direct reflection of the positive impacts that the management measures have had on the resource,'' said Dr. Christopher Moore, council deputy director. ''The Council and Commission should be extremely proud of the management decisions they have made over the years to rebuild summer flounder.'' Still, many members of the four fisheries management councils polled by the authors of ''Taking Stock'' agreed that there are problems with the current system and that these problems should be addressed.

Eagle, Thompson, and Newkirk report that more than half of the council members polled said environmental interests are underrepresented on the councils. Roughly a third of the respondents said they had felt it unfair in one or more past instances for a fellow council member to participate in a decision in which he or she had a financial interest. A similar percentage expressed concern about decisions in which the relatives or friends of voting council members had a financial interest in the outcome.

Eagle, Thompson, and Newkirk call for changes in federal policy on fisheries management councils that would institute the

same standards of ''good government'' that apply to other federal and state agencies charged with managing U.S. natural resources. First, they say Congress should separate the institutional decisionmaking responsibilities for conservation and quota allocation. To broaden council representation, Congress could require governors to submit a more diverse list of candidates, or require that nominations be made by an independent body such as the National Academy of Sciences, they recommend. And finally, only federal management exempts federal decisionmakers, the council members, from conflicts of interest. Remedies suggested by the authors include lowering the recusal threshold and prohibiting those holding financial interests in regulated fisheries from council appointment.

[From the Baltimore Sun, Apr. 1, 2007]

OYSTERMEN REAP FEDERAL BOUNTY—BID TO REVIVE BIVALVE BENEFITS WATERMEN MORE

(By Rona Kobell and Greg Garland)

At the Hyatt Regency resort in Cambridge, several dozen scientists, watermen and government regulators gathered to sip martinis and mingle over hors d'oeuvres. Later, there were cheers and tributes as they dined on crab and filet mignon. The mood was celebratory at January's annual meeting of the Oyster Recovery Partnership. Yet the government-financed nonprofit has made little progress toward its stated mission of restoring oysters to the Chesapeake Bay. Maryland officials set up the group more than a decade ago in what was envisioned as a groundbreaking attempt to revive a species all but destroyed by overharvesting and disease. Since 2002 alone, the partnership has received $10 million in federal funds to lead Maryland's efforts to make oysters an abundant, self-sustaining species again.

The way to do that, leading scientists say, is to leave the shellfish in the water so they can reproduce and propagate the species. But the partnership puts most of its oysters in places where watermen can take them out—and sell them for roughly $30 a bushel. ''If you're serious about the ecological value of oysters, then they must remain in the bay and live,'' said veteran oyster biologist George Krantz, former fisheries director at the Maryland Department of Natural Resources. The partnership's spending has done more to create income for watermen than bring back the Maryland oyster, an investigation by The Sun has found. The group not only provides watermen a crop to harvest, but it also pays them to do work that many scientists say has little merit. The Sun found:

While the partnership has planted tens of millions of hatchery-raised oysters, less than a third have been put in protected sanctuaries. Most are planted in places where they can be harvested.

The group is paying the Maryland Watermen's Association nearly $400,000 this year to remove diseased oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say a primary benefit is to provide work for watermen.

The head of the Watermen's Association sits on the partnership's board and is among those who benefit financially from the federal grants. Association president Larry Simns Sr. doled out tens of thousands of dollars of the grant money to watermen last year to help plant or move oysters. Also, he collected $40,100 for supervising their work.

The group used $46,000 in federal funds to hold its annual meeting at the Hyatt Regency, a golf resort and spa. The money went not just for the fancy dinner but also for hotel rooms for 50 of the guests. Private funds were used only for the alcohol.

While solid figures are not available, the Department of Natural Resources estimates that there are fewer oysters in the Chesapeake today than when the Oyster Recovery Partnership began its work in 1994. Its efforts have failed to overcome the devastating impact of two oyster parasites, MSX and Dermo, that have all but wiped out the oyster population. Partnership officials nonetheless consider their work a huge success. ''We're certainly doing infinitely better than what has been done in the past,'' said Torrey C. Brown, a former state natural resources secretary who now serves as the partnership's unpaid chairman. He is proud of the group's extensive oyster-planting program. Partnership officials say it makes sense to let watermen harvest many of those oysters because the shellfish would die eventually of disease. They point out that in the several years before the oysters are harvested, they help the bay by filtering away pollution. ''The idea that it is a watermen's welfare program is nonsense,'' Brown said. ''I don't think that they're getting any untoward benefit.''

Though the partnership gets millions in federal funds, it operates with virtually no governmental oversight. The group gets the money as the result of a budget ''earmark'' arranged by Sen. Barbara Mikulski, a Maryland Democrat, and the grant is distributed. by the National Oceanic and Atmospheric Administration. A top NOAA official acknowledged that his agency hasn't intervened as the partnership used the grant to run programs that he said are effectively subsidies for watermen. Because the money was approved specifically for the partnership through an earmark, agency officials believed they had no authority to interfere, said Lowell Bahner, a NOAA administrator who until recently oversaw the agency's Chesapeake Bay office.

''Senator Mikulski said, 'I want oysters in the water for harvest by watermen,' '' Bahner said. ''Is that a subsidy? That's what it looks like. And I think she would be proud of that.'' Mikulski declined to be interviewed for this article. But in a written response to questions from The Sun, she said she expected NOAA ''to have strong oversight'' of how the grant was being spent. In addition, she said the money ''was never intended to be a subsidy for industry or watermen.'' ''Unlike farm subsidies, this does not guarantee revenue for watermen or industry,'' Mikulski said. ''This was intended . . . to help jumpstart restoration for the economic and environmental health of the Bay.''

Many scientists question why the partnership is spending millions of federal dollars to plant oysters, only to let watermen take them before they can reach full reproductive potential. ''You can't justify doing it,'' said Krantz. ''The agenda has virtually excluded any scientific personnel who voiced opposition to this concept. . . . The decision to take them out is based on a harvester's wishes, not a conservationist's wishes.''

ROCK BOTTOM

The Oyster Recovery Partnership traces its roots to the winter of 1993, when Maryland's oyster industry hit rock bottom. Watermen harvested fewer than 80,000 bushels of oysters that season, taking home about $1 million. Just a decade earlier, they were bringing in more than a million bushels, which fetched $16 million at the dock. In the years before that, the harvests were even better, providing a stable income for thousands of people who earned their living on the water.

The fast decline of the oyster was alarming not just because it was putting watermen out of a job. Oystering was part of Maryland's identity, the old-fashioned simplicity of the work immortalized in sepia-toned photographs of watermen plying their wooden tongs from sail-powered skipjacks. The collapse of the species was of tremendous concern to scientists. Oysters are the backbone of many aquatic communities, providing reefs that are crucial habitat for crabs and small fish. They are also critical to the health of the Chesapeake because, as they suck in water to filter out food, they literally filter away pollution.

Among those most concerned was Brown, then Maryland's secretary of natural resources. He gathered everyone he could think of with a stake in keeping oysters healthy, assembling in one room a motley coalition of 40—watermen, regulators, legislators, university professors. He hired a facilitator to calm tensions at what became known as the Oyster Roundtable. No one was allowed to leave the table until everyone agreed on what to do next.

But as further meetings were held, Brown said, it was clear the warring parties didn't trust each other. So he suggested creating a nonprofit agency that would get the various groups involved in an effort to bring back oysters. It would not be a research organization—plenty of those already existed. Rather, it would work with scientists and watermen to plant oysters in the water and monitor their progress. Ideally, the group would receive a small amount of government money, but it would also raise private funds.

The Oyster Recovery Partnership was formally created in 1994, under a board that today numbers 18 people, including seafood executives, other businessmen and environmentalists. Its purpose, according to a written agreement with the state, was to develop projects to promote ''the ecological restoration of oysters in the Chesapeake Bay.'' The agreement says nothing about helping watermen. But the group's first office was in a back room of the Maryland Watermen's Association headquarters in Annapolis. The partnership has since moved into space across the hall. The organization got off to a rocky start. It never raised the private money its founders had hoped for, and its small staff often seemed overwhelmed. By 2000, the group had gone through two executive directors and was in poor financial shape. It advertised for a new executive director and interviewed dozens of candidates. Charles Frentz was one of the last. ''I told them, 'I am either going to put you out of business or straighten you out,' '' Frentz recalls.

A LACK OF FOCUS

Frentz conceded that he knew little about the biology of the bay—he had spent much of his career running several horse racing businesses in Florida, including one that put on the prestigious Breeders' Cup. He said he hadn't been looking for a job; he was retired and had moved to Maryland largely to marry his high-school sweetheart, an executive at the Social Security Administration. But he brought with him a passion for the bay that came from growing up near Sparrows Point and spending summers at a family home in Tolchester Beach, trawling for soft-shell crabs. More importantly, he said, he could apply sound management practices to a foundering organization. ''It was almost a feel-good situation where you had good intentions, but there was a lack of business focus,'' Frentz said. ''There was no question that I challenged how they did business, why they did business and how they would do business in the future.''

When Frentz came on board, the partnership was getting about $450,000 from NOAA and had little other income. It was using volunteers to plant small clusters of oysters on

tiny plots throughout the bay. If the partnership had any prayer of significantly increasing the number of oysters in the Chesapeake, Frentz reasoned, it would need to plant many more baby oysters. To do that, it would need more money.

Frentz persuaded Donald Meritt, the manager of the University of Maryland's Horn Point hatchery, to produce more oysters, promising to get money to upgrade the facility. Frentz also cultivated Mikulski, who had been earmarking money for the partnership. In his first year in the job, Frentz nearly doubled the ORP's federal funding, to $850,000. By 2002, the group was getting $1 million; by 2004, $2 million. Last year, the funding doubled again to about $4 million.

As the money increased, so did Frentz's pay. He was hired for $58,000 in 2000, according to the partnership. By the time he retired three months ago, he was earning $151,000, most of it from federal funds. He still gets $10,000 a month as a consultant. Frentz frequently praised Mikulski, even presenting a video tribute to the woman he called ''Our Bay Lady.'' She returned the compliments. In a 2004 letter to Frentz, she called him ''just about the best thing that has happened to the Chesapeake Bay since the skipjack.''

HELPING WATERMEN

The idea of using government money to help watermen isn't new. The Maryland Department of Natural Resources has for years run oyster programs that are essentially subsidies. The state agency moves baby oysters from the lower Chesapeake, where they are abundant naturally, and spreads them around the bay. A committee of oystermen tells the department where they want this ''seed,'' as the babies are called, and the department delivers. The idea is to help watermen from upper bay counties earn a living, state officials say. The agency has been doing this for decades. But when parasites began to attack the bay's oysters in the 1970s and 1980s, this practice turned out to have a down side. The parasites that attack oysters thrive in the same salty waters where oysters reproduce. So when the state moved oyster seed to lower-salt waters, the parasites hitched a ride—spreading disease.

Initially, state officials thought that wouldn't happen because they believed the parasites wouldn't survive in the fresh water of the upper bay. Once it was clear the parasites would survive, the department continued to move the seed around anyway, arguing that since the bay's oyster population was so far gone, stopping the program wouldn't lessen disease and would only hurt watermen. ''History is what it is,'' said Chris Judy, the department's longtime shellfish director, explaining why the practice has continued. ''The time to [say] 'Let's not move diseased seed' was at the beginning.''

MANAGED RESERVES

Charlie Frentz didn't want to spend millions of dollars to plant disease-resistant oysters only to have the state turn around and deposit diseased seed nearby. So he asked the watermen to turn down the state's seed. He said the partnership would instead provide hatchery-raised oysters that would eventually be available for harvest. The oysters would be planted on special bars that he called ''managed reserves.''

Normally, watermen can take oysters from the bay when they are 3 inches long. In the managed reserves, they had to wait until the oysters were 4 inches. The larger size meant the oysters would have an extra year or so to live in the bay. But after the first year, when one waterman was so mad about the restrictions that he threw an oyster hammer at Larry Simns, the partnership changed the rules. Today, when half a bar's oysters reach 4 inches, watermen also can remove the 3-inch oysters.

Meritt, the hatchery manager, calls the managed reserve ''a really nice compromise'' because it gives many oysters an extra year in the bay to provide ecological benefits. But other scientists say the program is nothing more than an expensive put-and-take fishery falsely billed as restoration. An oyster's ability to reproduce increases exponentially with each year it survives. So harvesting the animal after just four years—about the time it takes to reach 4 inches—cuts off its life span at a critical time, according to Krantz, the former fisheries chief.

He estimates that if an oyster reaches 5 or 6 inches, it will have a 3,000 percent increase in reproductive capability. Krantz and other scientists say it's crucial to leave the oysters in the water; even if many will die of disease, the ones that live will help propagate a species that can withstand disease. Of the 950 million hatchery-raised oysters that the partnership has planted since 2000, more than half have gone into managed reserves. About 100 million were planted for harvesting without any special restrictions. Only about 265 million were put in oyster sanctuaries where harvesting is prohibited. The sanctuary oysters have done better than many expected. About 20 percent of them are still alive, according to Kennedy T. Paynter Jr., a University of Maryland scientist who is paid by the partnership to monitor its bars. That survival rate is good, Paynter said, given that half of the oysters planted anywhere in the bay are expected to die in the first year. The numbers appear to contradict the watermen's assertions that if oysters are not harvested, they will just die of disease. ''To use that as an excuse to harvest is a logical absurdity,'' said University of Maryland oyster biologist Roger Newell. ''If an oyster is harvested, there is a 100 percent chance of it dying.'' If you leave it at the bottom, he said, there is a chance it will live.

BAR-CLEANING

More lucrative for Simns and some other watermen has been the ''bar-cleaning'' work—removing diseased adult oysters from some of the partnership's bars and dumping them in another spot. Watermen will return to the spot later to harvest the oysters for private sale; while disease eventually kills the shellfish, infected oysters are safe for people to eat. So the watermen earn money twice in this process. They are paid by the partnership to move the diseased oysters, and then they get to harvest them. The bar-cleaning work is done in the spring, between the end of oyster season and the start of crabbing season—a period when many watermen have time on their hands. But removing the bad oysters is also good for the bay, according to Paynter.

When oysters die, they gape open and spread disease. So it's important, Paynter said, to get them out while they're alive. Paynter said, however, there is no scientific benefit to putting the diseased oysters back in the bay for watermen to harvest later. ''Really,'' he said, ''we'd like to take the diseased oysters out and put them into the driveway.'' Other scientists and state officials say bar cleaning has little merit even in terms of removing disease. A state study in 2005 showed that bar cleaning leaves behind infected oysters.

''Bar cleaning may buy you a little bit of time to produce more market-size oysters, but eventually disease is going to take hold,'' said DNR assistant fisheries director Tom O'Connell. He argues the partnership shouldn't be spending so much money on bar cleaning until it is studied more. Despite the lack of scientific evidence that the process works, the ORP allocated almost $400,000 of this year's $4 million federal grant to the Maryland Watermen's Association for bar cleaning. Simns, a member of the ORP's executive board, hands out that money—wearing his hat as president of the Watermen's Association. He says he uses a process that is above board and fair.

He sends out ''bid forms'' to the roughly 500 watermen who have oyster licenses asking them to suggest a daily price for the work, he said. Then, Simns said, he sets a rate based on the average of the bids he receives—last year, $450 a day. He gives work to pretty much everyone who asks, Simns said, about 50 watermen last year.

Simns acknowledges that he used ORP money to pay himself $40,100 last year, in part to supervise this work that is done by men who are members of his association. The people who are paid include his son, Larry Jr., who gets $100 day as a crewman on his father's boat, partnership records show. The Watermen's Association itself gets about $65,000 of the money for administering the contract—money it uses for operating expenses. As for his own pay, Simns argues that the partnership needs him to oversee the work—he has been working the water since he was a boy, and he knows all the watermen. ''It's better for ORP to have someone like the Watermen's Association manage the watermen,'' said Simns, 70. ''They can't blow smoke at me, because I know. I've done all that stuff.''

He said Frentz assured him that his role in the Watermen's Association was not a problem—that he could be on the ORP board at the same time he was getting money from an ORP grant. ''I don't vote on anything that has to do with the Maryland Watermen's Association,'' Simns said. But his position as a member of a nonprofit's board who derives financial benefits from the relationship raises conflict-of-interest questions. Daniel Borochoff, president of the American Institute of Philanthropy, a watchdog group that monitors nonprofits, said it generally is not good practice for an organization to pay one of its governing board members for services. ''A board member receiving money to perform services, that is frowned upon,'' he said.

According to Simns, the other watermen net from $100 to $125 from their $450 barcleaning checks after paying for gas and the expense of keeping up a boat. Nevertheless, it can be an important source of income, said Floyd ''Bunky'' Chance, an Eastern Shore waterman. ''Everyone who participates likes it, for the income if nothing else. . . . Most watermen are just trying to keep the wolf from the door,'' he said.

HEY, TRUST US

NOAA officials acknowledge that they have done little to manage or oversee the money their agency gets from the earmark and passes on to the Oyster Recovery Partnership. The agency does not scrutinize the partnership's salaries, administrative expenses or the money it spends on its annual banquet, said NOAA grant manager Rich Takacs. ''It's up to the organization receiving the funds to use their internally approved business practices,'' Takacs said.

When asked for copies of the partnership's contracts with the Watermen's Association for bar cleaning and other work, Takacs said he didn't have any. The partnership wasn't asked to provide them, he said. Takacs said the partnership's approach to its bar cleaning and oyster planting operations has been ''a lot of 'Hey, trust us.' '' Unlike many other NOAA grantees, which provide detailed reports on their scientific work, the partnership provides only cursory reports of one to two pages with a broad general description of its work, he said.

As a result, there has been no comprehensive assessment of what the $10 million in federal funds granted to the partnership in the past five years has done to help the cause of restoring oysters to the bay, NOAA officials said. Even in terms of helping watermen, the program almost certainly is not cost-effective, partnership and NOAA officials admit. A government analysis of the Department of Natural Resources seed-moving program showed that, for every dollar the state spent to create a crop for watermen to harvest, the watermen earned 13 cents in oyster sales.

Bahner, who ran NOAA's Chesapeake Bay office until last year and has taken a job at the agency's Silver Spring headquarters, said he believes the partnership is making a valuable contribution to the bay in planting millions of oysters. He also said, however, that Mikulski's earmark put his agency in a difficult position.

Federal scientists and grant managers wanted to ensure that the money was used in the best way to restore oysters, he said. But partnership officials argued that the program was designed to help watermen and that NOAA's job was to hand over the checks. ''When the program started, it was primarily, 'Put the oysters in the water for the watermen,''' Bahner said. ''You've got this whole watermen's community. It's a subsidy program.''

[From the Baltimore Sun, Apr. 14, 2007]

OYSTER GRANTS TO STATE DISPUTED—SENATOR ASKS DETAILS ON $10 MILLION

(By Greg Garland)

A conservative Oklahoma senator who wants to eliminate congressional earmarks has asked a federal agency for a detailed explanation of how $10 million in government grants for oyster recovery has been spent in Maryland.

In a letter to the head of the National Oceanic and Atmospheric Administration, U.S. Sen. TOM COBURN said he was ''very concerned'' about questionable spending practices detailed in an article in The Sun about the Maryland's Oyster Recovery Partnership. ''It sounds like a dubious use of federal dollars and raises a lot of questions,'' Roland R. Foster, an aide to the Oklahoma Republican, said yesterday. The partnership, a nonprofit group charged with trying to restore oysters to the Chesapeake Bay, receives its annual funding through a federal budget ''earmark'' arranged by U.S. Sen. BARBARA A. MIKULSKI, a Maryland Democrat.

The Sun reported this month that while the group has planted nearly a billion hatchery-raised oysters since 2000, less than a third have been put in protected sanctuaries. Most have been planted in places where they can be harvested by watermen and sold. The newspaper also found that the partnership is paying the Maryland Watermen's Association nearly $400,000 this year to remove diseased oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say its primary purpose is to provide income for watermen. The partnership also used $46,000 in federal funds to hold its annual dinner at the Hyatt Regency golf resort and spa in Cambridge, The Sun reported. Meanwhile, the bay's oyster population remains at historic lows.

In the letter to NOAA chief Conrad C. Lautenbacher Jr., Coburn questioned how the earmarked funds were being used. ''What oversight has NOAA conducted of this specific grant?'' Coburn asked. ''[P]articularly was NOAA aware that funds were being used for banquets or of the financial conflicts of interest between staff and organizations receiving funding?''

Coburn also asked for reports on how the partnership is doing in meeting its stated goals and whether its federally funded efforts have been cost effective. Monica Allen, a spokeswoman for NOAA, declined to comment on Coburn's letter but said the agency would provide a copy of its response when it is completed and sent to Coburn. Stephan Abel, executive director of the Oyster Recovery Partnership, said, ''It would be inappropriate to comment until NOAA has had the opportunity to respond.'' Foster said Coburn has attempted to focus attention on earmarks as part of a campaign to end what he regards as wasteful government spending. A year ago, Coburn and Arizona Sen. John McCain sent a letter to all 100 U.S. senators announcing they would challenge every earmark, or ''pork project,'' on the Senate floor.

The problem with earmarks, Foster said, is they are made based on political connections and aren't subject to competition or stringent oversight. Coburn said The Sun's article about the Oyster Recovery Partnership's spending raises larger concerns about how NOAA handles its federal grants. ''Is this one example the exception, or is this a widespread problem at NOAA?'' Foster asked. Lautenbacher has taken issue with The Sun's findings, saying in a recent letter to the newspaper that his agency provides adequate oversight of the federal funds provided to the partnership.

NOAA officials have pointed to the fact that the partnership has hired an auditor each year to do a standard financial review to comply with federal requirements. In 2006, Senator Mikulski asked NOAA for ''an independent audit'' of the partnership. In response, records show, the partnership had its usual accounting firm review its own audit reports from prior years. The firm found its reports to be appropriate.

Mr. COBURN. Mr. President, it has come to mind that NOAA, when they do the grants, lets the grantee set the terms of oversight. I ask unanimous consent to have printed in the RECORD from NOAA's official Web site their financial assistance application for their grants where they ask the grantee what kind of oversight they want rather than setting it up themselves.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOAA FINANCIAL ASSISTANCE APPLICATION

C. FEDERAL INVOLVEMENT

C1. Is the proposed activity going to be conducted in partnership with NOAA or would the proposed activity require NOAA's direct involvement, activity, or oversight? If yes, describe NOAA's involvement, activity, or oversight, including the name of the office or program that is involved.

C2. Would the proposed activity involve any other federal agency(ies) partnership, direct involvement, activity, or oversight? If yes, provide the name(s) of the agency(ies) and describe its involvement, activity, or oversight.

Mr. COBURN. Mr. President, let me describe what has happened. There was an earmark which NOAA believed they did not have the responsibility to oversee, since it was an earmark, in terms of rehabitating oyster beds. We have seen from the investigations so far that it has been highly ineffective. But more importantly, what we have seen is conflicts of interest in terms of the board that manages the program and the ownership of the companies that are given the grant money.

I won't go into the details. Senator MIKULSKI is in agreement that they should be oversighted and looked at and conflict of interest should be eliminated. This amendment is very simple. It just says that ought to happen and there ought to be a review, there ought to be a prohibition of use of NOAA funds for meetings. There is $46,000 yearly going out for a meeting out of this grant money with no real concern. There is no conflict of interest requirement in the grant authority-making process at NOAA. So this amendment simply sets out that we ought to have basic conflict of interest rules of engagement in the grant-making process with NOAA.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, let me speak, again regretfully, against the Senator's amendment, and I do so first on behalf of Senator INOUYE as chairman of the Commerce Committee. This is, of course, within the jurisdiction of the Commerce Committee. The provisions of the amendment relate to the Department of Commerce and NOAA, and the statement I have been given by Senator INOUYE is pretty straightforward and says the amendment, while possibly based on good intentions, actually causes substantial harm to numerous NOAA programs and activities and missions.

Some of the specifics cited are that the provision requiring that audits be posted on the Web within 60 days does not contain safeguards for proprietary information that may have been gathered as a result of the audit. Also, a concern has been raised about the prohibition in section B on the use of NOAA funds for meetings. The provision in the amendment says:

> No funds made available by the administrator through a grant or contract can be used by the person who received the grant or the contract to attend any conference other than a conference related to training or routine meetings of officers or employees of the administration.

One of the basic activities scientists and engineers engage in is doing their research and then presenting that research at conferences so they can have reaction from their colleagues and their peers and have an interchange about the validity of the work they have done. This would prohibit the use of funds for that purpose, which is one reason it would be objectionable.

The other concern that has been raised is we are setting up a separate procedure here with regard to handling conflict of interest issues at NOAA which would be separate and apart from the general procedures the Federal Government has with regard to grant review processes. The thought is that those general processes should be made to apply and we should not be writing into law, particularly as an amendment to this legislation, some kind of separate provision and requirement with regard to just this one agency within the Department of Commerce

under the jurisdiction of the Commerce Committee.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, what you just heard was a denial that we need oversight and that people shouldn't be accountable for how they spend Federal dollars. The fact is, this is one program and one meeting. This doesn't stop meetings. This doesn't stop any legitimate function. This was a golf tournament and a meeting for 2 days that cost $46,000 of Federal funds. I will tell you, NOAA does not have any conflict of interest rules presently in their guidelines.

So what the Senator is saying is, leave it the way it is today. Let's don't change it. That is exactly the problem, because this didn't come through the Commerce Committee. They would have fixed it, as Senator STEVENS fixed the fishery boards. Instead, what we are trying to do with this is to fix the same thing Senator STEVENS did with the fishery boards. Because it didn't come through committee, that didn't get attached. Now that we want to attach it on the floor, we don't want to have that done.

The fact is, there is no oversight catalyst with these grant programs. By defeating this amendment, we are going to continue saying there is none. If you don't like this amendment, then fix it in conference. There is no reason why we shouldn't hold these grants to the light of day. There is no reason why they shouldn't be transparent. Everything in this Government should be transparent.

There is nothing in these grants that is fiduciary or private that shouldn't be exposed. The fact is, if you are going to take money from the Federal Government, the American people ought to know what you do with it. What we are saying is, we don't want that to happen. That is what defeating this amendment means. It means more secrecy, less transparency. It means, by the way, if there is a financial conflict of interest, don't worry about it, we don't want to hold them accountable.

I understand the resistance, but the American people won't understand the resistance. The real problem we are faced with is our Government is so big and into so many things that we don't know where it is being handled right or wrong. This is one small step to say there shouldn't be a conflict of interest. There ought to be reporting, there ought to be oversight, which there is not. We ought to be asking the GAO to oversee it and to look at it. That is all it does.

Mr. President, I will rest with the will of the body on that amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALEXANDER. Mr. President, I wonder if the Senator from Oklahoma would permit me a couple of minutes to comment on something.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I want to describe how this bill got to the floor because it has been suggested it might not have come through committee. The energy parts of this bill were fully considered by the Energy Committee when it was chaired by Senator DOMENICI last year, and it was then reported to the Senate in March. The Commerce Committee parts of it were fully considered by the Commerce Committee in May or June and reported to the full Senate then. The only parts of the legislation that didn't go through the regular committee process were from the Health, Education, Labor, and Pensions. That was the decision of that committee to do that. They had a series of roundtables and a series of meetings and made recommendations to the working group.

The working group then had meetings with the administration officials, and Senator DOMENICI presided over most of them—we called them homework sessions—and then Senator Frist and Senator REID introduced this legislation last October. It has been public all that time. Then Senator REID and Senator MCCONNELL introduced the legislation in January of this year, and it has been public all that time.

I wanted to make sure it was known that this is legislation that has been fully exposed to the light of day, whatever the merits. I am not commenting on the merits of the comments of the Senator from Oklahoma, but I did want everyone to be reminded of the process through which this went to get to the floor.

Mr. President, I thank the Senator for his courtesy.

AMENDMENT NO. 921

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that amendment No. 921 be called up.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendment No. 921.

The amendment is as follows:

(Purpose: To discontinue the Advanced Technology Program of the National Institute of Standards and Technology)

At the appropriate place, insert the following:

SEC. ___. DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

Mr. COBURN. Mr. President, this is an amendment to eliminate the Advanced Technology Program. I see the Senator from Michigan is here, and I am sure she will mount a rigorous defense in regard to it.

There are some things people should be aware of. We had an oversight hearing on this program in my Federal Financial Management Subcommittee. We showed it to be ineffective. Between 1990 and 2004, 35 percent of the $2 billion of this program went to Fortune 500 companies—Fortune 500 companies—with 65 percent of the grants under this program never being asked to be funded outside of the program. In other words, they never went to the private sector. Almost two-thirds never attempted to get funding in the private sector.

This was a program that was designed to help with technology. It wasn't designed to be a corporate welfare program. In fact, what has happened is that five companies since 1990 have consumed $376 million of this money. Let me tell you who the companies were. They were: General Motors, hardly in need of taxpayer money to fund research; IBM, hardly in need of taxpayer money to fund research; General Electric, hardly in need of taxpayer money to fund research; Minnesota Mining, 3M; and Motorola. Their combined revenues yearly are in excess of $50 billion.

We are going to see a large defense of this program, because there have been some instances where it has done some good. I don't deny that. But for the $2 billion we have spent on it, what have we gotten? The House has eliminated this program, by the way. We decreased it over the last 2 years. This is a program that is not working efficiently, is not working effectively, and we are not getting great return for our money.

Mr. President, with that, I will withhold the rest of my comments and retain the balance of my time.

Mr. DOMENICI. Would the Senator yield for 30 seconds to the Senator from New Mexico?

Mr. COBURN. I believe you all still have time.

Mr. DOMENICI. I intend to vote for your NOAA amendment, and I compliment you on what it does. I do think you have some merit in the other amendments, including the last one. It is just very hard to do that kind of thing now on this bill.

I think you have raised some real points about that big program. We ought to be careful when we have a $2 billion program, and we are not. It is not getting out there to small and independent businesses that have to go and seek private assistance, and you have made good points. It is just hard to do it on this bill.

The NOAA amendment, I am telling you in advance, I am for you.

Mr. COBURN. I thank the Senator for his comments. I would note that the House didn't find it hard to eliminate ATP on their component piece of legislation that will be matched up with

this and, in fact, last year we eliminated ATP in the funding cycle on the appropriations side.

I know there are some positive things about the program, but overall it is a poor investment for the Federal taxpayer.

Mr. President, I yield the floor at the present time, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I appreciate the leadership role Senator BINGAMAN and Senator ALEXANDER are playing on this critical bill, as well as Senator DOMENICI and others who have worked on putting together this legislation.

It makes no sense to eliminate the Advanced Technology Program. In fact, the House is renaming it but extending the very same approach in terms of a partnership for the kind of research that takes place after basic research.

I might say that 65 percent of the ATP awards have gone to small businesses, many of them small- and medium-sized manufacturers. The reality is that, yes, our large employers and small have joined together with universities, with the Federal Government, and with Federal labs to do partnerships where the Federal Government puts up half the money and they put up half the money to do the kinds of research to move the industry forward in order to be able to compete in a global economy.

Frankly, this is one of the areas where we are woefully behind, I would suggest to my friend from Oklahoma. We are woefully behind. One example of this is in advanced battery technology. While we are developing the basic science in the United States, it is Japan and China and South Korea that are taking the next steps to make those batteries. A $50 million investment in Japan alone; a 5-year commitment from China of over $100 million; a 5-year commitment from South Korea of over $100 million. Yet in our budget in the United States we have $11 million to focus on what is one of the most critical parts of technology to move forward on alternative fuels and new breakthroughs.

ATP is different. It is unique among Federal research programs. Most research is focused on advanced scientific knowledge, but there is a very long road from scientific discovery in a university lab to the commercialization of that product. This is in between that. You might call it a bridge project, or a bridge loan. This is that in-between period before industry feels confident enough to pick it up and move forward with it.

The goal of ATP is to push basic research knowledge into the innovation pipeline. That is what it is all about. When we add more dollars to increase basic research, we have to make sure we are also not creating a bottleneck in that innovation pipeline. We have to be able to fund the next step in that partnership. I would suggest this has been a tremendous investment in terms of what has actually happened.

The ATP programs have succeeded in a wide range of fields. There is no question, when you are doing this research it is basic research. By the way, we give the R&D tax credit to those same large companies my colleagues spoke about. We give it to large companies and small companies to do basic research—no different. This is the next step.

We have seen wide-ranging successes. They have already delivered on cheaper, better bone marrow transplants, mammograms, cartilage repair. They are enabling companies to make biodegradable plastics from corn, improving manufacturing, and powering longer lasting lightweight fuel cells, all of which are critical for our future.

The Advanced Technology Program has made investments in nanotechnology. They were making them long before anybody knew what nanotechnology was, along with investments in homeland security and bringing fuel cells and solar cells and microturbines to the marketplace.

In 2003, the White House sponsored a fuel cell demonstration, and the President tested a long-life mobile phone. The phone the President tested was powered by advanced fuel cell technology. Without the advanced technology program, MTI microfuel cells would not have been developed. This breakthrough technology was developed to power the very phone the President was holding. It would not have happened without that joint partnership with ATP.

There are certainly other companies where ATP projects have not been successful. That is the nature of high-risk, high-payoff research programs, and people around the world know that. Governments around the world know that. Right now, I should add, our companies are competing with governments around the world, governments that own companies, governments that are doing these kinds of research.

Let's put the successes and failures in the overall context. A 2003 survey of over 350 companies indicates the actual economic value resulting from ATP joint ventures exceeded $7.5 billion. The ATP annual report showed the program has generated $17 billion in economic benefits from just 41 of the 736 completed projects.

In conclusion, this is a program that works. We should not be cutting off this investment in innovation in America.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has close to 5 minutes.

Mr. BINGAMAN. How much time on the side of the Senator from Oklahoma?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 21 minutes.

Mr. BINGAMAN. Let me go ahead and use the remainder of our time in opposition to the amendments, and then the Senator from Oklahoma can use as much additional time as he would like, obviously.

I agree with the comments the Senator from Michigan has just made about the ATP program. I do think one of our weaknesses historically, particularly in recent decades in this country, is although we have done reasonably well on basic research, we have not done as well in taking that basic research the next step and getting it to a point where it can be commercialized and manufacturing can occur in this country.

I have a chart I was going to show. Let me put up the chart and try to make the point as to where the advanced technology program is in the development cycle, as I understand it. This chart tries to point out the venture capital funds focused on late-stage research.

There are five different categories represented on this chart: seed funding, startup funding, other early stage, expansion, and then later stage.

Regarding venture capital funding, the higher bars on the chart, of course, are in the later stage. The seed funding and the startup funding are the two areas on which the Advanced Technology Program concentrates. It does so in a way which is intended to get the very best results.

These programs are peer-reviewed. There is real competition, rigorous peer-reviewed competition in the allocation of this money. The funds go to those researchers and those technologists who are most likely to be able to take these basic discoveries and turn them into commercial products and commercial services. There are many examples of successes in this area.

Unfortunately, we do not have as many today that we can point to, relative to the rest of the world, as we used to have. The competition, frankly, between ourselves and many of our competitors, is very severe at this point. When you go to a country such as Japan and look at the extent of the Government's support of this kind of technology development, it is extremely impressive. We shy away from that. We say we are not going to help; it is up to our individual companies to do the best they can. Sometimes they do well, sometimes they do poorly. But the Advanced Technology Program helps them to do better. It has been a very good investment.

The Academies of Science did a report looking at this very thing a few

years ago. Their expert panel included top executives from companies such as Intel and Xerox and groups such as Sematech, venture capitalists, also academic researchers. They concluded the following:

The Advanced Technology Program is an effective Federal partnership program. The selection criteria applied by the program enabled it to meet broad national needs and to help ensure that the benefits of successful awards extend across firms and industries. Its costshared, industry-driven approach to funding promising new technological opportunities has shown considerable success in advancing technologies that can contribute to important societal goals such as improved health diagnostics, developing tools to exploit the human genome, and improving the efficiency and competitiveness of U.S. manufacturing.

This is a program I think deserves the increased levels of support that are contemplated in this legislation. I urge my colleagues to resist the amendment of the Senator to delete funding for the Advanced Technology Program.

Is there still time on my side?

The ACTING PRESIDENT pro tempore. The Senator has 17 seconds.

Mr. BINGAMAN. I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I am somewhat perplexed. We had a debate on Medicare Part D. The debate was about corporate welfare. I find it hard to believe that we want to continue to fund General Electric and IBM and Intel and all these other companies with taxpayer money after we have claimed we do not want to do corporate welfare.

Tell me where in that process—if the Senator from New Mexico would care to put his sign back up—this money is? Tell me why an IBM needs money at that stage. Tell me why a General Electric needs taxpayer money at that stage, money that is going to go to them. They have all the resources. IBM just announced they are buying back 10 percent of their stock. They have plenty of cash. They are buying back their stock. Tell me why, in a time when we have a $300 billion deficit, $300 billion we borrowed from two generations from now, that we should give a penny to IBM, corporate welfare to enhance anything. They have all the resources they need. Tell me why we should give a penny to General Electric or Intel or any of those large companies that consume 30 percent of this money.

If we want to have an Advanced Technology Program, why wouldn't we say, yes, we will do it, but you have to be at a certain size. You have to truly not be able to access the capital markets. They have no problems accessing the capital markets for research. So what we are doing is taking from two generations from now and giving it to the richest corporations in this country and making ourselves feel good because it wouldn't happen otherwise. It will happen otherwise. That is what markets are all about.

I will be happy to have the Senator respond to my question.

Mr. BINGAMAN. Mr. President, I am happy to respond. I would respond by saying we are not providing funds to particular companies so they can compete effectively. What we are doing is saying there are sectors of U.S. industry which are in very substantial competition with their counterparts worldwide. Whether it is the automobile industry, whether it is the semiconductor industry, whether it is the biologics industry, whatever the area is, we have companies in our country that are competing in those areas, and there is early stage research and seed development—early stage development into which they should be putting significant efforts.

When you look at it from the point of any individual company, it might not make that much sense to say we are going to devote a substantial portion of our research dollars to this because it is long term. It may not pay off in 10 years. It may never pay off. But here we can use some taxpayer dollars to prime the pump, so to speak, and to go to these companies on a cost-shared basis and say: You guys get together. We will help you develop advanced battery technology because otherwise we may eliminate our dependence on foreign oil. But we are going to become dependent on foreign battery cells. That is not good for the U.S. economy as a whole.

If General Motors happens to be one of the participants in that consortium of companies that is working on that advanced battery technology, then so much the better. But I do not consider that corporate welfare. I consider that good, intelligent allocation of our resources in order to keep our industry competitive in the world marketplace.

Mr. COBURN. Let me reclaim my time. I thank the Senator for answering my question. I guess the difference is, in the long run, where is the benefit? If any of those industries are going to survive, they are going to be putting research dollars into those areas already. That is my contention. We know from the studies that, of all the Fortune 500 companies, the money that has been given to them they would have spent anyway. This is just money that they don't have to spend because we are going to spend American taxpayer dollars on it. The fact is, anybody in any of those areas, especially major companies that have all the capital resources they need—they have an inherent self-interest to fund that research. Why? Because their livelihood and their existence depends on it.

What we are doing is we are saying, for the big companies, the Fortune 500 companies, we are going to take away their risk. The market has already created the risk. Their risk is to develop the program. So I would disagree. I think it is corporate welfare, especially with regard to the Fortune 500 companies that have significant assets.

All you have to do is look at what is out there today, look at the share buybacks. They have more than enough money with which to fund all these things.

I can give you specific examples from GE, IBM, and Intel. All of those projects were going to be funded anyway. We just gave them a gift. We just simply gave them a gift.

Mr. BINGAMAN. Mr. President, I ask the Senator if he will yield for a question.

Mr. COBURN. I am happy to yield for a question.

Mr. BINGAMAN. Here is the information I am given. I would cite this to the Senator and ask if he has a reason to disagree.

Of the single applicant awards under the Advanced Technology Program, 78 percent have gone to small businesses, 11 percent have gone to medium-size businesses and nonprofits, and only 11 percent of solo awards have gone to large businesses. Is that accurate?

Mr. COBURN. That is inaccurate; 21 percent of the ATP grants over the last 14 years went to Fortune 500 companies.

Mr. BINGAMAN. That is 21 percent over the last 14 years?

Mr. COBURN. Yes.

Mr. BINGAMAN. That is contrary to the information I was given. I thank the Senator for yielding for the question.

Mr. COBURN. Let me just summarize, and then I will yield back the remainder of my time. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 14½ minutes.

Mr. COBURN. I will be happy to yield after I finish this last statement, and I appreciate the managers of this bill for the time they have given me on these amendments, and their courtesy.

There is no question, there are positive aspects of this program. I said that before. The question comes—and it really comes from what Senator STABENOW said. We already give them an R&D tax credit. They already get a direct writeoff for doing this research anyway. So the American taxpayers are already paying for it. Now we come along and give them more.

The point is, we do not need both. We do not need both. IBM gets an R&D tax credit, and then they get money from us under ATP for things they were going to do anyway. General Electric gets an R&D tax credit, then they get money from us in the ATP program for these things they are going to do anyway.

I believe there has to come a time when we start thinking about how we spend our money and whether we are getting a good return. The fact is, with ATP, overall, all the money we have spent, we have not gotten back a return.

The other point I would make is, only four States have received about 60 percent of the money on this ATP program. Ironic, isn't it? Four States. So

there is great consensus among those people on a parochial basis to support this program because it is a big program for those individual States.

Mr. President, I will finish by saying that all three amendments I have offered today are designed to increase transparency, increase accountability, eliminate conflicts of interests, and eliminate wasteful Government spending. That is what we have to be about if we, in fact, want to leave the heritage to our children and grandchildren that we will receive by such great sacrifice of those people who came before us. That is the real deal. The way you leave a heritage is to sacrifice today. We cannot have everything we want today if we want our kids and grandkids to have what we have experienced.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from New Mexico.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I know the Senator from Georgia has an amendment he wishes to speak to and offer and proposes to withdraw. I will yield in a moment for him to do that. But let me ask unanimous consent that following his statement and his action, the votes in relation to the pending amendments occur in the following order: DeMint amendment No. 930, Coburn amendment No. 918, Coburn amendment No. 921, Coburn amendment No. 922, and Kohl amendment No. 942; that no amendment be in order to these amendments prior to the vote or to this final Kohl amendment prior to the vote; that prior to each vote in the sequence listed here, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be 10-minute votes; further, that provisions of previous orders governing these amendments remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from New Mexico.

I rise today to propose and then to withdraw an amendment that will make sure our Nation's historically Black colleges and universities, our HBCUs, are not overlooked in this important bill, the America COMPETES Act of 2007.

In the State of Georgia, we have eight HBCUs: Albany State University, Clark Atlanta University, Fort Valley State University, Morehouse College, Savannah State University, Spelman College, Paine College, and Morris Brown College.

This is a pretty simple amendment which would simply ensure that the HBCUs are included in the study by the National Academy of Sciences on barriers and innovations to advanced technologies. Specifically, I want to make sure we are able to find and highlight what HBCUs are doing nationally to equip their students with the knowledge and skills to compete in the 21st century workforce.

The underlying bill would establish a President's Council on Innovation and Competitiveness. My amendment simply includes HBCUs in the Council's recommendation for strengthening innovation and competitiveness capabilities in academia.

I wish to specifically highlight two examples of programs at Spelman College in Atlanta. Established in 1987, the Spelman College Women In Science and Engineering—or WISE—Scholars Program is a model student development effort that has successfully facilitated the recruitment, retention, and graduation of more than 200 African-American females pursuing baccalaureate degrees in sciences, mathematics, or a dual degree in engineering. The WISE Program addresses a national need to increase the prevalence of underrepresented racial minorities and women in science, technology, engineering, and mathematics disciplines, while strengthening Spelman's capacity to continue to serve as a national conduit for the human resources needed to sustain the country's global economic competitiveness. The WISE Program continues Spelman's important role in providing the Nation with a skilled scientific workforce.

As part of the American Competitiveness Initiative, unveiled during last years's State of the Union Address, the President called upon the Nation to, one, double the Federal commitment to the most critical basic research programs in the physical sciences; two, make permanent the research and development tax credit; and three, train 70,000 high school teachers to lead advanced-placement courses in math and science and bring 30,000 math and science professionals to teach in classrooms.

Both the National Science Foundation and National Aeronautics and Space Administration believe Spelman's WISE Scholars Program is the vehicle to meet the Nation's increasing need for math and science teachers. Also, in 2003, NASA awarded the college with a $4.5 million grant to enhance its WISE Scholars Program.

In 2005, six Spelman women qualified for the international RoboCup 2005 four-legged robot soccer competition in Osaka, Japan. The students created computer programs for the robots to compete in the soccer tournament, requiring the robots to play without human intervention. Of the 24 teams that qualified internationally, the SpelBots, as the team was called, were the first and only historically Black college and university, the only all-women institution, and the only U.S. undergraduate institution to qualify for the tournament. When looking back years from now at historically Black colleges and robotics research, all searches will lead to Spelman.

Mr. President, these are just two examples of what is taking place at our HBCUs all across our country. That is why I believe HBCUs and programs such as these should be included in the recommendations by the President's Council on Innovation and Competitiveness.

Now, I am going to withdraw this amendment because I have had a discussion with the Senator from Tennessee and the Senator from New Mexico, and I think they are probably right that this might be more appropriate as we reauthorize the Higher Education Act, which I understand will be marked up in the HELP Committee here within the next couple of weeks, in all probability. So I am going to withdraw the amendment. But I do wish to put this body on notice that we need to recognize the contributions our HBCUs are making in math, science, and technology, and that is a critical component of this bill. It will also be a critical component of the Higher Education Act. At that point I will be bringing this amendment forward to highlight those men and women who are at our HBCUs and the contribution they are making to math, science, and technology innovation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his leadership on the issue of competitiveness. He has been one of the foremost advocates for this legislation, which has made its way through so many committees and reached the floor, and we are close to passage today. I thank him as well for his consistent advocacy for historically Black colleges and universities of which Georgia has several of the most prominent. He has talked to me and other members of the HELP Committee about that. He is exactly right. Reauthorization of the higher education bill is fairly imminent. Hopefully in the next couple of weeks we will begin to mark up a bill. Senator CHAMBLISS has made it clear he expects the committee to take seriously his amendment. I have assured

him that for my part, the committee will. I know Senator KENNEDY and Senator ENZI feel the same way. Senator WARNER of Virginia has also noted he wants to make certain that what we do in this legislation takes into account historically Black colleges and universities. He, too, is looking toward the Higher Education Act reauthorization. It is very helpful of both of them to, in this case, take the floor and in other conversations to make us aware of what needs to happen as that act comes up in the next couple of weeks. The Chambliss amendment and his advocacy will be an important part of the discussion. I thank him for his leadership.

AMENDMENT NO. 930

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 930 offered by the Senator from South Carolina, Mr. DEMINT.

Mr. BINGAMAN. Mr. President, let me take the lead in opposition to the amendment. This is the amendment that would set up a new 60-vote point of order on any appropriations bill that comes to the floor with anything contained in it that could be designated a congressional earmark. Unfortunately, the definition of congressional earmark set out in the amendment is very broad. It basically says: If you are specifying money going to an entity, either in the language of the appropriations bill or in the report accompanying it, and it relates to items being authorized in this legislation, the objection could be made that you had to have 60 votes. So you would have one set of rules for most appropriations bills and a different set of rules for appropriations bills that would include appropriations relevant to this competitiveness bill. It would be a very bad policy. I urge colleagues to oppose the amendment.

Mr. BYRD. Mr. President, I am strongly opposed to the amendment offered by the junior Senator from South Carolina, which would prohibit congressional earmarks of funds appropriated, pursuant to authorizations in this bill, for the America Competes Act. The effect of the amendment proposed by the Senator from South Carolina could be waived or suspended in the Senate only by a 60-vote supermajority.

If this amendment were agreed to, it would set up two criteria for all appropriations legislation, pursuant to authorizations in the America Competes Act—one criterion requiring a simple majority vote for Presidential budget recommendations and another criterion requiring a supermajority of 60 votes for congressional earmarks, which, according to this legislative provision, is virtually anything that Congress changes from the President's budget request.

Under the Constitution of the United States, the Congress has the power of the purse. The Senate should jealously guard that prerogative. Our system of government includes checks and balances that have served us well through over 200 years as a Republic. And the power of the purse is a check on the ambitions of the executive branch.

Earlier this year, the Senate considered comprehensive ethics reform. It passed with an overwhelming majority of 96–2. In addition, the Senate Appropriations Committee has announced a new policy of increased transparency and accountability in regard to earmarks, which uses the same definition of earmarks contained in the ethics bill that was adopted overwhelmingly on the floor of the U.S. Senate. These changes in the appropriations process are intended to help restore confidence in the Congress. It ends ''business as usual'' in Washington. It restores integrity to the appropriations process. It will increase accountability and openness. Moreover, Senators will be required to certify that neither they nor their spouses have a financial interest in any earmark. I have asked Senators to submit a letter to Senator COCHRAN and me certifying they have no financial interest in a project being proposed for an earmark. Those letters will be available for public inspection.

Earmark disclosure, as important as it is, is only one part of a much broader package of ethics reforms that has already passed the Senate. This includes strengthened gift and travel rules for Members of the Senate, strengthened lobbying disclosure, and outlawing some of the notorious lobbying abuses in which Mr. Abramoff and others were involved. We should not cherry pick this legislation. It needs to be enacted as a whole.

In the meantime, I would like to remind my colleagues that when we considered the joint funding resolution earlier this year, which included all of the pending appropriations bills from the previous Republican-controlled Congress that had yet to be enacted, the House Appropriations Chairman, Mr. OBEY, and I made a bold move and eliminated 9,300 earmarks that were in bills authored when the Senator from South Carolina was in the majority. We eliminated every single one of them—all 9,300 earmarks. The joint funding resolution, which was signed into law on February 15, 2007, contained no new earmarks.

In summary, the process of earmarking funds has gotten out of control. The status quo is not satisfactory. That is why I have taken the initiative to establish new standards for transparency and accountability. That is why I joined with House Appropriations Committee Chairman DAVID OBEY to eliminate earmarks from the fiscal 2007 funding resolution.

I strongly oppose the amendment from the Senator from South Carolina. The Senate has already voted on an ethics reform package that revises the method by which earmarks will be considered. The Senate Appropriations Committee has already put in place rules that will increase the transparency and accountability for earmarks in the fiscal 2008 process. But most of all, I oppose the amendment by the Senator from South Carolina because it would establish two criteria for earmarks—those proposed by the President would require only a simple majority, while those proposed by the Congress, in which the power of the purse resides, would require a 60-vote supermajority.

The Framers of our Constitution chose to give the power of the purse to the Congress for a reason. They did not want an overbearing, unaccountable executive branch.

I hope my colleagues will reject the proposal by the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator from Tennessee for all his work on this bill. The question is, after we have gone through these many months of work on this bill to make America more competitive and we have directed funds to the Federal agencies that we think are most appropriate and would be most helpful in raising the quality and skill level of our labor force, do we want it to happen? Do we want this authorization bill to be implemented as we have written it? As the sponsors have been very careful to point out, this is an authorization bill, not an appropriations bill. What my amendment does is ensure that this bill is carried out the way it is authorized and that the appropriators do not take money for the National Science Foundation and say: I want some to go to my State or to this university, and we spread it out instead of using the merit-based peer review process. We change a bill that has a lot of thought and bipartisan support, and we basically turn it over to the appropriators to change. If Members want this bill implemented the way it is written, please support the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 930.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 71, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—22

Allard	Feingold	Martinez
Burr	Graham	McCaskill
Chambliss	Grassley	Sununu
Coburn	Hagel	Thomas
Cornyn	Inhofe	Thune
DeMint	Isakson	Vitter
Dole	Kyl	
Ensign	Lugar	

NAYS—71

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Gregg	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Inouye	Salazar
Bunning	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shelby
Casey	Landrieu	Smith
Clinton	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Tester
Corker	Lott	Warner
Craig	McConnell	Webb
Crapo	Menendez	Whitehouse
Dodd	Mikulski	Wyden
Domenici	Murkowski	

NOT VOTING—7

Biden	Johnson	Voinovich
Brownback	McCain	
Carper	Rockefeller	

The amendment (No. 930) was rejected.

Mr. REID. Mr. President, we have a briefing at 4 o'clock. We are going to do this next vote and complete that. We have scheduled another vote right at 5:30. We are going to finish this bill tonight. If people have amendments, they should offer them.

These two managers have worked extremely hard to finish this bill. This will be a feather in the cap for bipartisanship. We are going to stay here tonight until we finish this bill. We have, as I understand it, about three amendments left after we do this one, but we should all have the opportunity to go to that briefing. So we will be back here at 5:30 after this next vote.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 942

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Kohl amendment No. 942 be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I am informed that additional debate on this amendment is not needed and that there is no request for a rollcall vote, so I ask we proceed to a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 942.

The amendment (No. 942) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I believe we can proceed to the second rollcall vote, which is the Coburn amendment No. 918.

AMENDMENT NO. 918

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 918 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Mr. President, this amendment is one which I think would be bad policy, a bad precedent for us here in the Senate. It basically puts a hard and fast, drop-dead date on any legislation contained in this bill and says there is a sunset provision so that any program authorized here, any kind of activity permitted under this legislation, would be prohibited following that date in 2011. It is not the kind of sunset we would normally adopt on legislation. I don't think it is appropriate here. I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Who yields time in support of the amendment?

Mr. ALEXANDER. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 918.

Mr. COBURN. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Arkansas Mr. (STEVENS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—27

Allard	Ensign	Lott
Bayh	Enzi	Martinez
Burr	Graham	McCaskill
Chambliss	Grassley	Sessions
Coburn	Gregg	Shelby
Corker	Hagel	Specter
Cornyn	Inhofe	Sununu
DeMint	Isakson	Thomas
Dole	Kyl	Thune

NAYS—67

Akaka	Brown	Clinton
Alexander	Bunning	Cochran
Baucus	Byrd	Coleman
Bennett	Cantwell	Collins
Bingaman	Cardin	Conrad
Bond	Carper	Craig
Boxer	Casey	Crapo
Dodd	Leahy	Roberts
Domenici	Levin	Salazar
Dorgan	Lieberman	Sanders
Durbin	Lincoln	Schumer
Feingold	Lugar	Smith
Feinstein	McConnell	Snowe
Harkin	Menendez	Stabenow
Hatch	Mikulski	Tester
Hutchison	Murkowski	Vitter
Inouye	Murray	Voinovich
Kennedy	Nelson (FL)	Warner
Kerry	Nelson (NE)	Webb
Klobuchar	Obama	Whitehouse
Kohl	Pryor	Wyden
Landrieu	Reed	
Lautenberg	Reid	

NOT VOTING—6

Biden	Johnson	Rockefeller
Brownback	McCain	Stevens

The amendment (No. 918) was rejected.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following the disposition of the previously ordered amendments, the only other amendments in order be Senator LANDRIEU's amendment No. 975, Senator DORGAN's amendment No. 958, and a managers' amendment, which must be cleared by both managers; that after disposition of the above amendments, the bill be read the third time, and the Senate, without any intervening action or debate, vote on final passage of S. 761.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:30 p.m.

There being no objection, the Senate, at 4:10 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. OBAMA).

AMERICA COMPETES ACT—Continued

AMENDMENTS NOS. 915, AS MODIFIED; 916, AS MODIFIED; 924, AS MODIFIED; 926, AS MODIFIED; 944, AS MODIFIED; 950, 951, 952, AS MODIFIED; 957, AS MODIFIED; 958, 965, AS MODIFIED; 970, AS MODIFIED; 975, 977, AND 980

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have a managers' package of amendments which have been cleared and which are at the desk. Some are in modified form. Let me go through the list and then ask consent for their approval:

Amendment No. 915, as modified, by Senator GRASSLEY; amendment No. 916, as modified, by Senator GRASSLEY; amendment No. 924, as modified, by Senator OBAMA; amendment No. 926, as modified, by Senator MENENDEZ; amendment No. 944, as modified, by Senator COLEMAN; amendment No. 950 by Senator BAUCUS; amendment No. 951

by Senator BAUCUS; amendment No. 952, as modified, by Senator BAUCUS; amendment No. 957, as modified, by Senator HATCH; amendment No. 958 by Senator DORGAN; amendment No. 965, as modified, by Senator MURRAY; amendment No. 970, as modified, by Senator FEINGOLD; amendment No. 975 by Senator LANDRIEU; amendment No. 977 by Senator MURRAY; and amendment No. 980 by Senators ALEXANDER and BINGAMAN.

I ask unanimous consent that these amendments, as modified, if modified, be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 915, AS MODIFIED

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work in earlier grades than traditionally made available.

On page 127, line 6, insert ''by the grade the student is enrolled in,'' after ''subject,''.

On page 127, line 12, insert ''by the grade the student is enrolled in at the time of the examination'' before the semicolon.

AMENDMENT NO. 916, AS MODIFIED

On page 62, insert after line 14:

(c) be of at least 2 weeks in duration.

On page 63, after line 2 insert:

(3) STUDENT ACHIEVEMENT.—The Director may consider the academic achievement of middle and secondary school students in determining eligibility under this section, in accordance with subsection (1) and (2).

AMENDMENT NO. 924, AS MODIFIED

On page 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a high-need local educational agency; or

(ii) a consortium consisting of a high-need local educational agency and 1 or more of the following entities:

(I) Another local educational agency;

(II) A community–based youth development organization with a demonstrated record of effectiveness in helping students learn;

(III) An institution of higher education;

(IV) An educational service agency; or

(V) A for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii).

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term high-need local educational agency means a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

(A) that serves not less than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(C) with a total of not less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8 as determined by the Secretary of Education.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(8) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that propose to target services to children in grades K–8.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as ''summer scholars''.

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity, the State educational agency shall prioritize applications to low-achieving eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such

summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with one or more eligible entities offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with State academic content standards and goals of the local educational agency serving the summer scholar;

(IV) measures student progress to determine the gains made by summer scholars in the summer learning opportunity, and disaggregates the results of such progress for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability status, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to the HELP Committee of the Senate and the Education & Labor Committee of the House on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

AMENDMENT NO. 926, AS MODIFIED

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) Acquire appropriate nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

''(III) professional development and training for teachers aligned with activities supported under section 2123 of the ESEA of 1965;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science, and to the extent applicable, technology and engineering, academic achievement standards;

''(V) training in laboratory safety for relevant school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 30 percent.''.

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology and recommend whether such activities should continue. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 3 years after the date of enactment of this Act. The report shall identify best practices and materials for the classroom developed and demonstrated by grant awardees.

(d) SUNSET.—The provisions of this section shall cease to have force or effect at the beginning of fiscal year 2012.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section such sums for fiscal year 2008 and each of the 3 succeeding fiscal years.

AMENDMENT NO. 944, AS MODIFIED

At the end of Division C, insert the following:

TITLE __—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. __01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. __02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section such sums for fiscal years 2008 through 2011.

AMENDMENT NO. 950

(Purpose: To provide that 21st century learning skills are included in the alignment of education programs)

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

AMENDMENT NO. 951

(Purpose: To allow distance learning projects as an optional activity for the foreign language partnership program)

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

AMENDMENT NO. 952, AS MODIFIED

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce such sums for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

AMENDMENT NO. 957, AS MODIFIED

On page 99, line 5, strike ''critical foreign language'' and insert the following: ''a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,''.

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: ''or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences''.

On page 109, line 24, insert before the semicolon the following: '', or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills''.

AMENDMENT NO. 958

(Purpose: To provide for a feasibility study with regard to a free online college degree program)

At the appropriate place, insert the following:

SEC. . FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

AMENDMENT NO. 965, AS MODIFIED

At the end of title II of division C, insert the following:

SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term ''mathematics coach'' means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term ''secondary school'' means a school that provides secondary education, as determined under State law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as be necessary for fiscal year 2008 and each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (l)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any

state educational agency under this section shall be not less than $500,000.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (l); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) CONFLICT OF INTEREST.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) APPLICATION.—

(A) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) CONSORTIA.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) AWARD BASIS.—

(A) PRIORITY.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) AMOUNT OF GRANTS.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during

after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY REQUIREMENTS.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

AMENDMENT NO. 970, AS MODIFIED

On page 164, strike lines 11 through 22 and insert the following:

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P–16 education data system to the purposes and functions for use of such information set forth in Federal or State law regarding education and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P–16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions for use of such information set forth in Federal or State law regarding education, and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions for use of such information set forth in Federal or State law regarding education; and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P–16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P–16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P–16 education data systems for any purpose other than as authorized by Federal or State law regarding education, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use by governmental and non-governmental entities of the unique identifiers employed in statewide P–16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy to the maximum extent practicable consistent with the uses of the information authorized in this Act or other Federal or State law regarding education.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the

establishment or improvement of the statewide P–16 education data system; and

AMENDMENT NO. 975

(Purpose: To require the Secretary of Energy, acting through the Director of Mathematics, Science, and Engineering Education, to provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses)

On page 78, strike line 21 and insert the following:

''(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.

''(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

''(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

''(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

''(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

''(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

''(C) to increase the use of effective instructional practices; and

''(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

''(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

''(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

''(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

''(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

''(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

''(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

''(f) FEDERAL AND NON-FEDERAL SHARES.—

''(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

''(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

''(2) provide equal consideration to States without National Laboratories.

''(h) USES OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

''(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

''(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

''(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

''(ii) classroom management;

''(iii) professional development;

''(iv) parental involvement; and

''(v) school management; and

''(C) provide high-quality and continuous teacher and staff professional development.

''(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

''(A) the science of energy;

''(B) the sources of energy;

''(C) the uses of energy in society; and

''(D) the environmental consequences and benefits of all energy sources and uses.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $1,000,000 for each of fiscal years 2008 and 2009; and

''(2) $2,000,000 for each of fiscal years 2010 and 2011.''.

AMENDMENT NO. 977

(Purpose: To encourage members of the Armed Forces to participate in programs for master's degrees in mathematics, science, or critical foreign languages education)

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

AMENDMENT NO. 980

(Purpose: To express the sense of Senate regarding policies related to deemed export control)

At the appropriate place in the bill, add the following:

"SEC. ___. SENSE OF THE SENATE.

It is the Sense of Senate that—

U.S. government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.''.

AMENDMENT NO. 921

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 921 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, let me use the minute in opposition to the amendment. The Senator from Oklahoma may wish to speak in favor of his amendment.

This is the amendment to strike the funding and the provisions in the bill for the Advanced Technology Program. In my view, this would be a very bad step for us to take. I know there are some Members who do not believe this is a worthwhile use of taxpayers' dollars. I am not one of those. I believe the Federal Government should partner with industry to assist in the early stages of technology development, and particularly that is important when we compete with other countries that spend heavily to assist their industrial sectors to compete in world markets.

So I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no question the ATP program has had some successes. The fact is that over $2.5 billion has gone to Fortune 500 companies over the last 14 years for research they would have done otherwise. This is a program which is outmoded. We have a way to help businesses do research and development. It is called the R&D tax credit. This is not effective. It is a poor way to spend our money.

I yield back the remainder of my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 921. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—39

Alexander	DeMint	Kyl
Allard	Domenici	Lott
Bennett	Ensign	Martinez
Bunning	Enzi	McConnell
Burr	Feingold	Murkowski
Chambliss	Graham	Roberts
Coburn	Grassley	Sanders
Cochran	Gregg	Sessions
Collins	Hagel	Shelby
Corker	Hatch	Sununu
Cornyn	Hutchison	Thomas
Craig	Inhofe	Thune
Crapo	Isakson	Vitter

NAYS—57

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Inouye	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Clinton	Lincoln	Stevens
Coleman	Lugar	Tester
Conrad	McCaskill	Voinovich
Dodd	Menendez	Warner
Dole	Mikulski	Webb
Dorgan	Murray	Whitehouse
Durbin	Nelson (FL)	Wyden

NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 921) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 956

Mr. BINGAMAN. Mr. President, we inadvertently left a cleared amendment off the list I read describing the managers' package. I ask unanimous consent that amendment No. 956 be agreed to and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 956) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding concerns that United States capital markets are losing their competitive edge in intensifying global competition, and to recommend that Congress and the Administration take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace)

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled ''Sustaining New York's and the U.S.'s Global Financial Services Leadership'', ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction.'';

(3) further, the report referred to in paragraph (2) stated that—

(A) ''The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs—those over $1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''; and

(B) ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.'';

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since 1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

Mr. SCHUMER. Mr. President, I rise to join my colleague Senator CRAPO in offering our Sense of the Senate to express that the Congress and the administration take the necessary steps to sustain the United States' position as the global leader in financial services to S. 761.

We can all agree that the U.S. is the financial capital of the world. Today, Wall Street is booming, and our Nation's short-term economic outlook is strong. But to maintain our success far into the future we must immediately address a real and growing concern: our global competitive position in the capital markets is being threatened.

The evidence is quite clear.

London, certainly our greatest competitor, has been working hard to gain on us in financial services in the last few years. And, although London has not overtaken us, it is no longer a distant second.

While New York is still the dominant global exchange center, we have been losing ground as the leader in capital formation. In 2005, only one out of the top 24 IPOs was registered in the U.S. and four were registered in London.

Sadly, the problem is not just IPOs. Our competitive position is being challenged in most businesses that are globally contestable.

Today London leads in some of the fastest growing and innovative areas in the financial services. They account for 70 percent of the global secondary bond market, 40 percent of the derivatives market, 30 percent of foreign exchange activity, and 30 percent of cross border equities trading.

Why is this happening? Not because London is more innovative—New York City is and 49 percent of the top CEOs say so. But, what they also say is—given the risks associated with developing innovative financial instruments and the importance of attracting talent in finance—the U.S.'s legal, regulatory and immigration policies are not attractive and it only makes sense to pursue cutting edge activity overseas. To make matters even worse, it is not only London. As technology has virtually eliminated barriers to the flow of capital, it now freely flows to the most efficient markets, in all corners of the globe. So, in addition to London we're increasingly competing for position against cities like Hong Kong, Tokyo and Bombay.

My concern about this issue has been keeping me awake at night. For over a year now I have been racking my brain, trying to understand the causes and fixes needed to keep us No. 1.

Well . . . that is precisely what Mayor Bloomberg and I set out to do in

a more formal way when we commissioned McKinsey Consulting to conduct a study to examine the competitive position of New York City's financial services industry, specifically in comparison to London's. The study identified the drivers that might cause New York City to lose its competitive edge, but more importantly provided recommendations and an action plan to correct the problem.

We gathered detailed analyses of market conditions here and abroad. McKinsey interviewed and consulted more than 50 respected leaders from the financial services industry, consumer and labor groups, and other stakeholders.

Our report which was released in January illustrated the reality of the situation. The U.S., New York in particular, is in grave danger of losing its status as the financial capital of the world without a major change in policy and regulation. If we continue on with the status quo, within the next ten years we will go from being number one, to becoming a marginalized regional market—spelling disaster for New York and the entire country.

Financial services comprise 8 percent of the U.S. economy—the third fastest growing sector of the U.S. economy. The industry also plays an important intermediary role in promoting economic activity and creating jobs (savings, investment, borrowing, capital formation, wealth accumulation, transactions). 1 in every 19 jobs in the U.S. is in financial services.

This clearly is not just a New York issue. Many of you will be surprised to learn, just as I was—that seven states (Connecticut, Massachusetts, Delaware, Rhode Island, North Carolina, South Dakota), including New York, have more than 10 percent of their State's GDP devoted to financial services.

Resolving this issue will require all hands on deck. In New York we already recognize that—the Mayor, the Governor, and I have already joined forces.

I strongly believe that we are in a good position to act now in order to lessen the damage that could be waiting for us 10 years down the road.

Cleary, this is an issue that will take some time to work through—taking on our country's regulatory regime, legal system and immigration policies will be no easy undertaking. In recognizing the complexities, our report focused on near term recommendations that are mostly administrative and the longer term recommendations that are legislative.

I want to commend Secretary Paulson and the Department of Treasury for convening a conference on United States capital markets' competitiveness. I hope this will build more momentum for other financial services regulators and Congress to take action and sends a signal that we are in need of a renewed U.S. focus on competitiveness.

We deed to take action to level the playing field for both domestic and foreign companies doing business in the United States, to address more complex policy, legal, regulatory and other structural issues affecting the U.S. position as the world's leading financial center. We must create a responsive, market-oriented regulatory framework, moving closer towards a fair and predictable legal environment, and provide access to skilled professionals from outside of the U.S.

I want to thank my friend and colleague Senator CRAPO for his commitment and leadership on this issue. I look forward to working with you over the next several months to protect our capital markets—this is not a Democrat or Republican issue, it's an American issue.

The bottom line is that we, in New York and in the U.S., literally cannot afford to lose our place as the global leader in financial services and we must examine which factors impede our competitive standing.

At the same time, we have to be smart, careful, and balanced as we seek to continue to redefine the exquisite balance of innovation and regulation as markets evolve internationally.

We know that addressing these challenges and ensuring that we do so in a way that continues to offer strong protections to consumers and investors will be a huge undertaking. But if all stakeholders—industry, consumer advocates, labor, and government—come together in the name of securing our economic future, we can do it.

Failing to do so would be dereliction of duty.

We must all commit to seeking a shift in national policy in a direction that will ensure that New York and America retain its leadership position in the financial services industry well into the 21st Century.

I thank my colleagues for joining us in support of this amendment.

Mr. CRAPO. Mr. President, I rise today in support of this global competitiveness amendment with the senior Senator from New York to S. 761 and to call attention to the challenges facing U.S. financial markets. I really appreciate the leadership role the senior Senator from New York has taken in the global capital markets competitiveness debate and I really appreciate our working relationship.

The first part of the amendment highlights findings that U.S. capital markets are losing their competitive edge in the face of intensifying global competition in initial public offerings, IPOs, over-the-counter, OTC, derivatives, securitization, and traditional lending. The second half of the amendment expresses the sense of the Senate about what steps should be taken to bolster the competitiveness of this essential sector of the U.S. economy.

According to the Schumer/Bloomberg report entitled Sustaining New York's and the U.S.' Global Financial Services Leadership, ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offering, over-the-counter derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction.''

This is a very alarming trend because IPOs and OTC derivatives contribute to a robust and dynamic capital market which is a tremendously beneficial force for our economy and an empowerment to our citizens. It is critical to ensuring economic growth, job creation, low costs of capital, innovation, entrepreneurship, and a strong tax base in key areas of the country. The U.S. financial sector acts as a catalyst for all other sectors in the U.S. economy. That is why the decline in global initial public offerings in the United States, and the fact that London already enjoys clear leadership in the fast growing OTC derivatives market, are such worrying trends.

The report further states, ''The IPO market also offers the most dramatic illustration of the change in capital raising needs around the world, and the U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega IPOs—those over $1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''

It further notes: ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasing use derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives market can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as its position as a center for financial innovation.''

One of the common themes we are seeing in terms of movement of business away from the United States to

London and other capital markets are the regulatory burdens and the regulatory regime that we impose here in the United States. I do not think anybody would say that we should simply take down our regulatory position, because we do have one of the strongest markets in the world. But the question is are we over-regulating.

Fortunately, academics, business leaders, and politicians are working together to study this issue. They have identified several specific problems that hinder the competitiveness of the U.S. capital markets and have issued reports outlining possible solutions:

Interim Report of the Committee on Capital Markets Regulation, November 2006; Schumer/Bloomberg report entitled: ''Sustaining New York's and U.S.' Global Financial Services Leadership, January 2007; Commission on the Regulations of U.S. Capital Markets in the 21st Century, March 2007.

I would especially like to commend the senior Senator from New York for his efforts in this project. All three reports add considerably to the understanding of the challenges that American capital markets face and offer solutions that could help American markets, companies, and workers to better compete.

Additionally, on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness where conference delegates discussed ways to keep U.S. capital markets the strongest and most innovative in the world. This problem is well-documented and it is time that we take the necessary steps to restore America's leadership position in the global financial services marketplace.

This amendment states it is the sense of the Senate

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets;

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

This amendment is supported by the American Bankers Association, the Business Roundtable, United States Chamber of Commerce, Financial Services Forum, Investment Company Institute, International Swaps and Derivatives Association, Securities Industry and Financial Markets Association, NASDAQ, and NYSE.

I also thank my colleagues for joining me in supporting this amendment, and I thank the senior Senator from New York for working with me on this amendment

AMENDMENT NO. 922

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 922, offered by the Senator from Oklahoma.

Mr. INOUYE. Mr. President, I wish to speak against this amendment. This amendment will increase the work of the inspector general because of its mandatory nature, but it will not add any additional results.

Secondly, it provides that audits be posted on the Web within 60 days without any safeguards for proprietary information that may be gathered as a result of the audit, and it provides no protections under existing information privacy laws.

Then there is the word ''conference,'' which I think is too broad and has implications for existing and future educational activities, which is the major part of the underlying bill.

For this reason, and many others, I am opposed to it.

I yield back my remaining time.

The PRESIDING OFFICER. Does the Senator from Oklahoma wish to be heard?

Mr. COBURN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 922.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—82

Alexander	Bennett	Brown
Allard	Bingaman	Bunning
Baucus	Bond	Burr
Bayh	Boxer	Cantwell
Cardin	Hagel	Reed
Carper	Harkin	Reid
Casey	Hatch	Roberts
Chambliss	Hutchison	Salazar
Clinton	Inhofe	Sanders
Coburn	Isakson	Schumer
Cochran	Klobuchar	Sessions
Coleman	Kohl	Shelby
Collins	Kyl	Smith
Conrad	Landrieu	Snowe
Corker	Lautenberg	Specter
Cornyn	Leahy	Stabenow
Craig	Lott	Sununu
Crapo	Martinez	Tester
DeMint	McCaskill	Thomas
Dole	McConnell	Thune
Domenici	Menendez	Vitter
Dorgan	Mikulski	Voinovich
Durbin	Murkowski	Warner
Ensign	Murray	Webb
Enzi	Nelson (FL)	Whitehouse
Feinstein	Nelson (NE)	Wyden
Graham	Obama	
Grassley	Pryor	

NAYS—14

Akaka	Inouye	Lincoln
Byrd	Kennedy	Lugar
Dodd	Kerry	Rockefeller
Feingold	Levin	Stevens
Gregg	Lieberman	

NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 922) was agreed to.

Mr. LEVIN. Madam President, I voted against Senator COBURN's amendment, No. 922, because it will place a difficult burden on grant activities of the National Oceanic and Atmospheric Administration, NOAA. The amendment as drafted has disturbing privacy implications. The inspector general's audits must be posted on the Web within 60 days without any safeguards for proprietary information. Further, the amendment is drafted so broadly that some reasonable uses of grant awards would be jeopardized. Researchers might be restrained from attending peer conferences which are a part of the scientific process. NOAA awards grants throughout Michigan in order to protect and restore the Great Lakes, and I want to ensure that this amendment does not interfere with NOAA's mission in the Great Lakes and our Nation's waters. I support the goal of the amendment to provide for accountability and transparency, and I hope that my concerns with the amendment will be addressed in conference so that I can support the provision in the conference report.

NANOTECHNOLOGY IN THE SCHOOLS

Mr. WYDEN. Madam President, I would like to thank the distinguished Senator from New Mexico, Mr. BINGAMAN, and the distinguished Senator from Tennessee, Mr. ALEXANDER, for their leadership in crafting the America COMPETES Act and managing it on the Senate floor. I would also like to thank Senator INOUYE and Senator KENNEDY for their roles in developing and moving this bill. It is a critical piece of legislation that will help ensure our great Nation remains competitive in the global economy.

I would also like to thank my distinguished colleague from Oregon, Mr. SMITH, the distinguished Senator from Massachusetts, Mr. KERRY, and the distinguished Senator from Arkansas, Mr.

PRYOR, for working with me to draft language to enable high schools and colleges to purchase nanotechnology equipment through grants from the National Science Foundation. And I thank the distinguished Senator from New Jersey, Mr. MENENDEZ, for working with us to add some of that language to his important amendment to this fine bill.

Nanotechnology involves the understanding and control of matter at dimensions of roughly 1 to 100 nanometers—as small as a single molecule. At that scale, unique phenomena enable novel applications. The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made. It will continue to be at the heart of innovation in a wide range of sectors for decades to come.

With the inclusion of the language that we proposed, partnerships between low income school districts, colleges and universities, and businesses will be able to secure funds to purchase classroom versions of scanning electron microscopes and other tools that are fundamental to the study of nanotechnology.

Mr. SMITH. Madam President, I thank my distinguished colleague and the Senators from New Mexico, Tennessee, Massachusetts, Arkansas, and New Jersey.

Nanotechnology will have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand. In order to maximize the benefits of nanotechnology to our citizens, the United States must maintain world leadership in the field.

According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating U.S. students in high schools and colleges, so that our students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

Preparing students for careers in nanotechnology requires they have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and involves training to enable teachers and professors to use the tools in classrooms and laboratories.

Mr. WYDEN. I agree with my colleague. It is well documented that America needs to address the science, technology, engineering and math deficit—this entire bill is a reflection of that understanding. This deficit is possibly greatest in the Nation's poorest school districts. Yet these school districts also offer a reservoir of potential—potential, if properly tapped, that could generate hundreds of thousands of scientists and engineers who can help ensure that America can compete in the global marketplace, and harness the economic promise—and good paying jobs—of emerging fields like nanotechnology.

I have seen some of the nanotechnology equipment that folks will be able to use these funds to purchase. And honestly, it is exciting stuff. I expect that it will help generate the enthusiasm, as well as the knowledge and understanding, necessary to attract and retain America's future nanotechnologists.

So I would urge the Director of the National Science Foundation, as he is implementing this program, to give special attention to grant proposals that include a nanotechnology element.

Mr. SMITH. I agree with my colleague from Oregon and I also hope that the Director will give special attention to grant proposals that include a nanotechnology element. Nanotechnology is not a specific technology, but a descriptive term encompassing a range of fields from biology to computer science, and from medicine to engineering. This legislation will enable high schools and colleges, in partnership with local businesses, to purchase basic tabletop nanotechnology tools for classroom use—not laboratory use for research, but classroom use for education—to help create the next generation of scientists of all kinds, and to ensure that they will have the skills to apply nanotechnology to whatever specific scientific field they enter.

Mr. WYDEN. I would like to make one last point—the 21st Century Nanotechnology Research and Development Act will come up for reauthorization next year. As one of the authors of the act, and as one of the cochairmen of the Congressional Nanotechnology Caucus, I am looking forward to hearing my colleagues' thoughts about how the act might be amended to further promote American competitiveness in the vitally important field of nanotechnology.

AUTHORIZATION FOR DEPARTMENT OF ENERGY BASIC RESEARCH, SECTION 2006

Mr. DOMENICI. Madam President, I wish to commend the managers of the bill for continuing here on the floor the remarkable cooperative effort that characterized the development of this legislation by the three Senate committees. That said, I want to note that I think we need to give further consideration to the funding pattern for basic research within the Department of Energy in Section 2006. We have responded to the Augustine Report's call for increasing our commitment to basic research in the physical sciences by doubling funding over the next decade, but we need to make sure that those funds are distributed over the years in a manner that will maximize the effectiveness of those programs. I suggest that we need to increase and accelerate funding for these basic research programs. I request that the managers agree to work with me to accomplish that as this bill works its way through conference.

Mr. BINGAMAN. I share my colleague's concern. We must ensure that the funding increases for the Office of Science at the Department of Energy are sufficient and that they are allocated to specific years so that there is a nexus between the needs of each of the various research programs and the amounts provided for each fiscal year. I will be pleased to work with my colleagues in conference to refine further these authorizations.

Mr. ALEXANDER. I thank the senior Senator from New Mexico for bringing this matter to our attention. I, too, recognize the significant contributions of the Department of Energy Office of Science to our Nation's commitment to basic research. It is the largest Federal funding source of basic research in the physical sciences. So it is, of course, extremely important that we get the funding right. I will also be pleased to work with my colleagues to make certain we provide optimal support for these programs.

Mr. DOMENICI. I thank my colleagues for their willingness to work with me on this issue, and I am hopeful that the conference report we ultimately consider will have the best funding scenario we can provide for these basic research programs.

AUTHORIZATION OF THE ATP PROGRAM

Mr. LEVIN. Madam President, I had intended to call up amendment No. 969 which sets forth authorization levels for the Advanced Technology Program, ATP, to restore the ATP program to its historic funding levels. The Senate's defeat of the Coburn amendment expresses the will of the Senate to support the ATP program. I am also confident that the chairman and the committee can accomplish in conference what this amendment intended to do.

Again, by defeating the Coburn amendment to repeal the authorization for the Advanced Technology Program, ATP, the Senate has again expressed its support for ATP.

This body understands the importance of this program. In the past the Senate has, on numerous occasions, supported amendments to the budget resolution to provide for ATP. Every time we have had an appropriations vote on this program we have retained funding for ATP.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is one of the key Federal programs available to help U.S. manufacturers remain competitive in a global economy.

I have spoken with the chairman of the Senate Energy Committee and I am confident he will support strong funding for the ATP program in conference.

Mr. BINGAMAN. I will support efforts to authorize this important program which the Senate has so often voted to support, consistent of course with our ability to get a conference report that the Senate can pass.

I thank Senator LEVIN for bringing this matter to the attention of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, if all of the Members are here now, I want to express thanks—I think I speak for the whole Senate—for the work done by Senators BINGAMAN and ALEXANDER. It is a very important piece of legislation. This is the fifth day we have worked on this piece of legislation; this is only the floor days. We spent hours and hours coming up with the idea, having meetings, meeting with individual Senators.

It is a good piece of legislative work. As we know, legislation is the art of compromise. They have made the compromises which improved the legislation. They were assisted by the chair and ranking member of the HELP Committee, KENNEDY and ENZI; Commerce Committee, INOUYE and STEVENS; and, of course, Senator BINGAMAN's housemate from New Mexico, Senator DOMENICI, has been on the floor a lot these past few days. It is good to see him up around, back in his fighting form. He has done very good work as usual.

I also express my appreciation to Senator MCCONNELL for allowing us to move forward. This is a good bipartisan piece of legislation. I said when this legislation started we were going to do something on a bipartisan basis. Recognizing that although there was a little bit of downtime on a few occasions, I made the decision before we went to this bill there would be no procedural cloture votes filed. I thought it was good to let everybody know we can work through these bills if we have to with a little cooperation from everyone.

Thank you very much.

Let me finally say, the House is going to complete the work on the supplemental sometime late tonight. We will get that sometime late tomorrow. We are going to try to have the final passage of this about a quarter to 1 tomorrow. I am assuming it will be final passage: we will have the vote, anyway. Then that will be the last vote for this week.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me join my good friend the majority leader, and say this is a good example of the Senate, a broad bipartisan bill of consequence, with spectacular, widespread participation led by Senator ALEXANDER, Senator DOMENICI, Senator STEVENS, and others on this side; Senator BINGAMAN and others on that side. This is a proud moment for the Senate. I congratulate all of those who spent a couple of years crafting this measure and putting it together so it can enjoy this large vote it is about to receive.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 973

Mr. BINGAMAN. Madam President, we did inadvertently leave one additional amendment off the list that I read describing the managers' package. I ask unanimous consent that amendment No. 973 be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 973) was agreed to, as follows:

(Purpose: To include the Administrator of the Small Business Administration on the President's Council on Innovation and Competitiveness)

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

Mr. BINGAMAN. Madam President, let me say very briefly that I very much appreciate Senator REID's leadership in setting time aside and making this a priority for the Senate, and Senator MCCONNELL as well. And, of course, I acknowledge the great work Senator ALEXANDER has done at every stage in this process. He has done a terrific job, and he has been the persistent impetus for getting this legislation to this point and deserves great credit for it. Senator DOMENICI does as well. He took a very strong leadership role in the last Congress and again in this Congress in getting this done.

Of course, Senator ENSIGN and Senator LIEBERMAN have been real leaders on the issue, and Senator MIKULSKI, Senator INOUYE, Senator STEVENS, Senator HUTCHISON, Senator KENNEDY, and Senator ENZI. All of them have played a major part.

This is multicommittee legislation and multi-Senator legislation. It is bipartisan, as was said. It is a good step for the Senate to be taking. I appreciate everyone's cooperation and help.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, out of respect to our colleagues, I am going to defer my remarks until after the vote except to say—all of the thank-yous, except to say one thing: There are a number of issues before this body that are too big for one party to solve. This has been one of them. But after 2 years of work across party lines, we ended up with 63 cosponsors, 208 pages of legislation. We dealt with 40 amendments in the last 3 days without any cloture. I hope this sets an example for dealing with some of the other large issues we have that are too big for one party to solve.

I thank my colleagues for working with us in this way. I will be more specific about those thanks to the leaders and the other Senators after the vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, fellow Senators, I have been involved in the last 2 years in two major legislative efforts; both of them have been bipartisan, extremely bipartisan. I don't know how far that will carry us, but it certainly is a good feeling. It is different to know that Senators on both sides of the aisle support the effort you are making when you work hard for something like we did for this one.

The brain power of our youth is the salvation of our country. It is the source of innovation and the source of our economic power. It is failing because we are not educating our children properly. That is the heart of the recommendation given to us. It is the heart of what they gave us as their recommendations, the great American leaders who volunteered, and we were able to keep most of it regardless of how difficult the committee jurisdictions are. Three major committees getting together to fix this is pretty good work.

I thank everyone. There are more that I want to thank one on one. I will thank them later. But it has been a great effort. I thoroughly enjoyed it after these many years of being a Senator. The last couple of years have been absolutely terrific when you can get a couple of major bills done with both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—88

Akaka	Baucus	Bennett
Alexander	Bayh	Bingaman

Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—8

Allard
Coburn
DeMint
Graham
Gregg
Inhofe
Kyl
Thomas

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The bill (S. 761), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BINGAMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Madam President, I speak today in support of the America Competes Act, ACA, a bill designed to increase math and science opportunities for our Nation's youth, an issue of great importance in our increasingly global economy. I have heard from Wisconsinites at the K–12 education level as well as members of my State's higher education community who have voiced support for the ACA and the boost it provides to math and science programming. I am particularly pleased the Senate accepted my amendment to improve education privacy protections in the P–16 database component of this legislation.

For decades, America has dominated the science and technological fields both in the higher education community and the business sector. As the National Academy of Sciences', NAS, report ''Above the Gathering Storm: Energizing and Employing America for Brighter Future'' outlined, the United States is facing some important challenges that need to be addressed if our country wishes to remain the worldwide economic and scientific leader. The report made clear that the science and technology preeminence that we have enjoyed for decades should not be taken for granted and deserves serious attention.

The NAS report also highlights the need for supporting basic and applied research as a foundation for America's continued competitive edge. The America COMPETES Act follows through on these suggestions by boosting funding for competitive basic research through the NSF and other agencies. I have long been a strong supporter of competitive research funding, cultivating young researchers, graduate students and professionals, and creating an overall environment that encourages innovation, so I was glad to see these provisions in the legislation. While this legislation provides a Federal emphasis, this effort is going to have to be a partnership with public and private universities and colleges to be successful. Knowing Wisconsin, I am sure our institutions and higher education and companies will step up to the plate and embrace this partnership.

Keeping America competitive globally is particularly relevant as manufacturing and industrial plants have closed in the United States and been rebuilt in other nations where the cost of hiring technical experts like engineers and chemists are often one-fifth or even one-tenth that in the US. While we need to boost education and employment training for these workers, I am concerned that retraining and major investment in the science and technology arena will not be enough to make a long-term difference without improved trade agreements. I continue to be troubled by the trade agreements into which our country has entered in recent years. Too often, they lack even the most basic labor and environmental standards needed to prevent a race to the bottom, and to ensure that our businesses and workers can compete on an equal footing. The unfortunate result of these flawed agreements has been the flight of jobs overseas and downward pressure on wages and benefits for those jobs that remain. If agreements such as these continue to be the rule, I am afraid that even with significant investment in science and technology our global position will continue to erode.

While trade policy is an important aspect of our country's competitiveness, maintaining and strengthening America's competitiveness is a multidisciplinary effort. I am pleased that the ACA includes funding for various important education programs including teacher professional development and summer learning institutes for K–12 teachers, and expanded access to AP and IB courses for students in high-need schools. Providing training and support to America's teachers is an essential component of strengthening our nation's educational system and ensuring the educational growth of American students. Teacher quality is one of the biggest factors that impacts student achievement and too many students in our nation's most disadvantaged schools are taught by less experienced and less qualified teachers than their counterparts in our more advantaged schools. The programs provided in the ACA move our country in the right direction towards closing the gap in teacher quality and increasing the number of math and science teachers throughout the country.

I am pleased the Senate adopted my amendment to strengthen the education privacy provisions in the title IV section of the bill which funds alignment of education programs. Under this section, States could apply for grants to improve alignment of the K–12 education standards with the skills that are needed for both the workforce and college. States could also use the grants to create P–16 databases which would compile information on students from kindergarten through college for the purposes of improving education policy in the States. While I fully support better alignment between the K–12 and higher education systems, I was concerned that the privacy provisions of the underlying bill were not strong enough to protect this important student data. As we have seen recently with the unauthorized uses of the federal National Student Loan Data System, these data systems are not completely secure and are potentially subject to abuse by those who have access to such data systems.

My amendment adds some commonsense protections that States would have to comply with in order to receive Federal funding to create or improve education databases. States and third parties will only be able to use the data in the P–16 systems to fulfill purposes set out in State and Federal education law and third parties who access the data must sign a data use agreement prohibiting further disclosure or unauthorized uses. States will also have to account for all disclosures of data and make the accounting available to individuals whose data has been disclosed. Additionally, States must maintain adequate electronic security measures to safeguard the confidentiality and integrity of the data. Databases established with these Federal grant dollars would be subject to the protections of the Family Educational and Privacy Rights Act. Finally, the underlying bill requires States to assign students unique identifiers in the State databases and my amendment would prohibit Federal, State, and local agencies from using the unique identifiers for any purposes except those allowed under Federal and State education law, as well as requiring the Secretary of Education to promulgate regulations to govern the use of unique identifiers in order to safeguard individual privacy.

During consideration of the bill I supported several amendments that would impose greater fiscal responsibility, such as Senator DEMINT's amendment opposing earmarks and Senator COBURN's amendment addressing the Advanced Technology Program. I did not support other amendments that, while well-intentioned, could have undermined the principles and purposes of the bill. I opposed Senator COBURN's amendment to sunset the provisions of the ACA and its amendments because of my concerns that this would nullify positive policy changes made by the ACA. I also opposed his

amendment regarding the grant programs of the National Oceanic and Atmospheric Administration. That amendment would have unduly interfered with grant recipients' ability to meet the objectives of their grants by prohibiting participation in conferences that, for example, could further scientific understanding. Grant recipients from all Federal agencies already must comply with regulations that prohibit the misuse of Federal funds on things such as entertainment and alcohol expenses.

I am pleased we were able to work in a bipartisan manner to pass this important legislation. Improving math and science programs for disadvantaged youth and strengthening professional development opportunities for America's teachers are critically important to our Nation's future. The United States has long been known for its leadership in scientific discoveries and achievement, but our country must continue to improve and strengthen our education programs related to math, science, and technology if the United States wants to remain the world's leader on these issues. I believe the America COMPETES Act moves our country in the right direction towards achieving these important goals.

Mr. REID. Madam President, passing S. 761, the America COMPETES Act, is an important first step towards maintaining our country's competitive advantage in the global economy.

This legislation was written with strong bipartisan cooperation and negotiation. Many competing interests and competing views were heard during an open amendment process with Senators free to offer their ideas for improving the legislation. And, in what I hope is a sign of things to come, we were not forced to file cloture to complete action on this bill. Over the past few days, the Senate worked just as it was designed to do.

We would not have achieved this great bipartisan success were it not for the hard work of Senators BINGAMAN and ALEXANDER. While many Senators played important roles in passing this bill, Senators BINGAMAN and ALEXANDER were responsible for raising the awareness of our diminishing ability to compete, and for bringing a much-needed sense of urgency to this issue. I also want to recognize the hard work of a number of my colleagues, Senators INOUYE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, and HUTCHISON, who were also instrumental in crafting and now passing this legislation.

I look forward to working with my colleagues to ensure that we follow through on the commitments and investments we made today in passing the America COMPETES Act. And I am hopeful that we can continue to work together in a bipartisan manner to move this country forward.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, let me speak again about the extraordinary effort that went into this legislation and talk particularly about the staff work that has brought us to this point.

I think everyone involved in this legislation knows this represents many days and many nights of hard work by staff people in our personal offices as well as on committee staff. We have seen a great example of how the staffs of the various committees can come together and produce a good product.

I will reiterate the leadership among Senators for this work. Senator ALEXANDER, of course, deserves tremendous credit. Senator DOMENICI deserves tremendous credit. Senator LIEBERMAN and Senator ENSIGN have both worked very hard on this legislation and deserve great credit as well. I know Senators REID and MCCONNELL acknowledged their good work. We also, of course, could not have done this without the leadership of Senator KENNEDY and Senator ENZI on the HELP Committee, and without the leadership of Senator INOUYE, Senator STEVENS, Senator MIKULSKI, and Senator HUTCHISON. There are several others I am sure I should have on the list as well because this was a combined effort.

The three committees that put this legislation together were the Health, Education, Labor, and Pensions Committee, under the leadership of Senator KENNEDY and Senator ENZI; of course, the Commerce, Science, and Transportation Committee under Senator INOUYE and Senator STEVENS; and the Energy and Natural Resources Committee. The portion of this legislation that came from the Energy and Natural Resources Committee was reported out when Senator DOMENICI was the chairman in the last Congress. I was proud to work with him in doing that. I can recall the effort the three of us made—Senator ALEXANDER, Senator DOMENICI, and myself—to persuade the President to make this a priority. He did make it a priority. Of course, he deserves credit for that as well.

Let me also talk for a minute about individual staff members on both sides of the aisle who worked very hard to make this a success—from the Commerce Committee: Jean Toal-Eisen, Jason Mulvihill, Chan Lieu, Beth Bacon, Jeff Bingham, H.J. Derr, Floyd Deschamps, and Christine Kurth; from the HELP Committee: Missy Rohrbach, Lindsay Hunsicker, Michael Yudin; from my staff: Carmel Martin, David Cleary, Anne Clough, Beth Buehlman, Roberto Rodriguez, and Ilyse Schuman; from the Energy Committee: Bob Simon, staff director Jonathan Epstein, who has been working with me tirelessly on this legislation, Sam Fowler, and, of course, our general counsel, Kathryn Clay, and Melanie Roberts; on Senator ALEXANDER's staff: Matt Sonnesyn and Jack Wells are the two with whom I am most familiar who have worked so hard; from Senator LIEBERMAN's staff: Rachel Stotsky, Craig Robinson, and Colleen Shogan; and from on my staff: My legislative director Trudy Vincent has been extremely involved and helpful in getting this legislation completed. I wish to acknowledge the great work done by Jason Unger and Mark Wetjen on Senator REID's staff and by Libby Jarvis on Senator MCCONNELL's staff.

This is legislation which could not have come together without the good work of all of these people whose names I have mentioned. They can be proud of their success in this venture.

Of course, this is only one hurdle in the process. It seems, in the legislative process, no matter how many hurdles jumped, there is always another ahead. We now have to find a way to reconcile any differences we have with the House on this set of issues. We hope we can do that successfully in the near future and send the bill to the President.

Again, I particularly congratulate Senator ALEXANDER and Senator DOMENICI. I know Senator ALEXANDER has some comments he wants to make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to add the following Senators as cosponsors of S. 761, the America COMPETES Act: Senators SNOWE and HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, let me say to Senator BINGAMAN, I greatly appreciate working with him. I do not believe there will be a more important piece of legislation to come before Congress this year because it goes right to the heart of something every American understands, which is, How do we keep our jobs? This is the way we do it. We keep our brainpower advantage. We keep our jobs in competition with China and India. There are other factors as well, but what we know is—and we have a broad consensus in the Senate—that most of our remarkable standard of living, a situation where we have 30 percent of all the money in the world produced in this country for about 5 percent of the people, comes from our brainpower advantage, kindergarten through the twelfth grade, a wonderful higher education system, and our research institutes. That is the importance of this legislation.

The second thing about the legislation is that, to a remarkable degree, we rely on the people we ought to rely on in giving the answer to the question, How do we keep our brainpower advantage? Senator BINGAMAN and I, with the encouragement and under the leadership of Senator DOMENICI, who last year was chairman of the Energy Committee, asked the National Academy of Sciences: Please tell us the 10 things we need to do in order to keep our brainpower advantage so we can keep our jobs.

So they asked Norm Augustine, the former head of Lockheed Martin, to chair a distinguished group of about 21, and they gave up their summer 2 years

ago. They included three Nobel laureates, the former head of MIT, and others of that caliber, and they gave us 20—in priority order—things to do. At about that same time, the Council on Competitiveness had finished its work. Senator LIEBERMAN and Senator ENSIGN had introduced their bill.

That legislation, which was the Domenici-Bingaman legislation, after a lot of work with the Bush administration, became the Frist-Reid bill toward the end of last year. Then, when we changed parties in the Senate, the very same bill became the Reid-McConnell bill. So we had worked closely together in a bipartisan way where we were able to overcome differences.

I do not want the 88-to-8 vote to fool anybody. This was not that easy to do. This has been 2 years of work, with lots of different committees, many different ideas. But it has been a successful effort.

As I said, briefly, just before the vote, it is a privilege always to be a Senator. It has especially been a privilege this week because the Senate is acting as the Senate should. We are dealing, first, with one of the biggest issues facing our country. Second, we are recognizing it is one of that handful of big issues that cannot be solved by one party alone. The Democrats could have charged up and down the hill all night long, and they could not have done it. The Republicans could have done the same, and we could not have done it. We could only have done it in the way we did it, and we did.

There are other issues out there like that. I think of immigration, which the majority leader has said we will be moving to soon. There is the question of affordable health insurance for every American. There is the question of energy independence. I hope this is a model for how we can work together and avoid some of the petty bickering we sometimes fall into. I think the American people would appreciate that, and I hope they will appreciate this.

I wish to thank especially the Senators whom Senator BINGAMAN talked about. He and his staff have been a delight to work with. Senator DOMENICI, of course, has been terrific to me as a junior member of his committee last year, allowing me to work on this. But when Senator STEVENS and Senator INOUYE and Senator KENNEDY and Senator ENZI, basically, lent their prestige and sense of urgency to this legislation and stepped back and allowed it to proceed and participated rather than claim some jurisdictional advantage, that is what really helped.

Senator ENSIGN made a tremendous difference within the Republican caucus, and Senator HUTCHISON and Senator BOND, and Senator MIKULSKI on that side. Senator CHAMBLISS and others from the very beginning have worked on this issue. That is why we had 70 Senators on the Domenici-Bingaman bill last year—35 Republicans, 35 Democrats. And that is why we had 63 cosponsors of the Reid-McConnell bill.

Finally, Senator REID allowed this to come forward, and Senator MCCONNELL worked with him in a way that permitted this environment. It is pretty remarkable. We have had nothing like this in the Senate this year. We had no cloture—not one bit of cloture. We had a very complicated bill. We dealt with 40 amendments, and we got it all done within a week—on one of the most important pieces of legislation. That is a significant achievement. We should not forget the role Senator Frist played last year in helping to move things along. So I thank my colleagues for the privilege of being a part of it.

Senator BINGAMAN read the names, I believe, of all of the Democratic staff and Republican staff. I do not think he left anyone out. I want to especially, therefore, say—I hope this is appropriate to do—to Jonathan Epstein and Senator BINGAMAN's staff how much we appreciate all of them. They really have been indispensable to this effort. I also thank Matt Sonnesyn, who has been our lead. He has been indispensable, as well, and David Cleary; and Kathryn Clay on Senator DOMENICI's staff, who has been crucial to the effort. The staff have spent hundreds of hours, literally, in the last 2 years working carefully through the bill.

I might say this, in conclusion—I know Senator DOMENICI has something to say—I took the legislation home over the weekend and reread it, all 208 pages. It is remarkably coherent, well written, and well organized. Maybe this process would be a good model for other legislation.

The House of Representatives is already moving. Congressman GORDON and Congressman Boehlert joined Senator BINGAMAN and me in asking the National Academies for their recommendations 2 years ago. Those recommendations have been introduced in the House. It is my hope that after our legislation goes there, the House will act soon, and we will be able to send this legislation to the President.

Senator DOMENICI took us to the White House last year to talk with the President about this issue. He secured the invitation, and it was not just a Republican Senator or another Republican Senator, it was a Republican senior Senator and a Democratic senior Senator meeting with the President. That is the way we worked on this issue. So we appreciate the President's attention and priority to this issue. It would not have happened without that, either.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will be very brief because so much has been said, I do not think I should repeat it. I think all of the people who deserve to be thanked have been thanked. I thank Senator BINGAMAN for being so gracious to all of those who worked on this legislation. I say to Senator BINGAMAN, you always do, and you made sure the RECORD reflects each of their names, including those of my staff. We all thank you for that act of courtesy.

I just want to say, we all knew when we started we were addressing a very big problem. I am sure each of us from time to time has wondered whether what we were doing was going to have as big an effect as we hoped on our children in their ability to improve their brainpower, as we help teachers who teach them be better teachers of the hard subjects of math and science and the like.

I am sure many times we wondered whether this was the right avenue and approach. But once we got into it, it was apparent we had not been led astray, that the leaders who put it together for us—and there is not a large group of them, but they are very talented, and they are very American—sought nothing but to give us the best recommendations for our country. That was a wonderful group in the Academies. Of course, their chairman, the former CEO of Lockheed Martin, just did a marvelous job.

I am very hopeful, now that we have done this, we will get the money appropriated. I pledge here tonight I will do everything I can—and I hope we will muster more help as we go through appropriations—to see that we give this legislative thrust a chance. If you want a shell, you will get a shell. If you do not want to pay for these programs, you will not help your kids, because there is nothing mysterious about this. There is a huge amount of work that has to be done by people and institutions that have to be paid.

This bill says how we are going to pay for it, but it is an authorizing bill. I told the Senate that, and I proved it, there is nothing we could do in terms of the Budget Act for those who wanted to stop it, because it does not spend money. It authorizes a series of new ideas as the program for the country. The program is immobile without the resources that are stated. As we look at it carefully, we might even see we did not put enough in certain areas. I am certainly going to go to conference and work on the Appropriations Committee with the full idea that we must fully fund this bill for the next 3 or 4 years if we are going to get what we want for our young people and the teachers and parents who so anxiously wait for something good and positive.

This day has been a long time coming. For over a year, we have been working to pass a bill that will give America the brain power needed to compete in the global marketplace.

This is a process that began in the Energy Committee, with a request to the National Academy of Sciences to put together a report that told us what needed to be done to help America compete. That report, ''Rising Above the Gathering Storm,'' led by former Lockheed CEO Norm Augustine, serves as the basis for the legislation we just passed.

Last year, the Energy Committee moved forward with legislation that utilizes the Department of Energy and its national labs to train our teachers and rekindle interest in math and science. We called that bill the PACE—Protecting America's Competitive Edge.

At the end of last session, and again this year, we were able to partner with our leaders, Senator REID and Senator MCCONNELL, and our colleagues on the Commerce and HELP Committees, to put together the comprehensive America COMPETES Act.

Less than 6 percent of high school seniors have plans to study engineering, but 50 percent of our current U.S. science and engineering workforce is approaching retirement age.

By bringing our national labs into the classroom, we can begin to address this problem.

Since the Augustine report emphasizes the need for a renewed focus on basic science and research, this bill authorizes doubling the funding for DOE's Office of Science.

I look forward to working with the House in conference to pass a strong, bipartisan bill that will allow America to rise above the gathering storm and compete once again.

With that, Madam President, once again, I thank Senator BINGAMAN. It has been a pleasure to get another bipartisan bill through with you. If we keep doing this, they are going to be mentioning the Senator from New Mexico so much—mentioning you and then me—they are going to think the whole place is full of Senators from New Mexico. We do not have to worry about that. We will take what we can get and do the best we can with it.

I say to the Senator, thank you, LAMAR, for coming to me and asking: Could I push this with you all? It was a pleasure—and under my chairmanship—to push it with you and for you. It came out very well.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACK HICKMAN'S RETIREMENT

Mr. REID. Mr. President, prior to this job as Democratic leader, I basically lived on the floor for 6 years. I was here from the time the Senate came into session until we went out every day. During that period of time, I got to know staff up here very well because I basically lived with them.

One of the people whom I certainly have gotten to know over that period of time is a man by the name of Jack Hickman. Since 1996, Jack has worked in the Senate Document Room, has been the executive communications clerk, and is now the morning business editor. When he is here, he sits at the table right in front of me.

Jack is physically a giant of a man, very big. He has a wonderful sense of humor and is very easy to get along with. He loves his alma mater, the University of Wisconsin. One of his sad times was when UNLV beat them once, which was unexpected in a lot of quarters. He follows Wisconsin basketball and all of their sports teams very closely.

Jack has two sons, Paul and Brian. His wife's name is Margaret, and he brags about her all the time.

I want the RECORD to be spread with the fact that it has been an enjoyable experience for me to be able to work with someone of Jack's caliber, to be able to joke with him and make fun of each other in a respectful way on some of our idiosyncracies.

Jack Hickman is going to retire. Tomorrow is his last day here. He and his wife had purchased a place in Florida some time ago. He has been going down there on vacation in our off times. Now he will live there full time.

Jack does, as do all of the Senate personnel, invaluable work for us. He makes sure what we say goes in the right place in the RECORD. He works with the court reporters and the rest of the staff. His work, even though it is not very noteworthy to the public, is essential to the Senate functioning properly.

I will really miss Jack a lot. He is someone with whom I have a real strong comfort level. I look forward, in the years to come, to being able to visit with him again and talk about some of the times we have had. We have spent many hours together on the Senate floor. During those years, I didn't control what we did; I was just here on the floor. We waited for long periods of time for the leader—whether it was a Democratic or Republican leader—to come and take us out at the end of the day. We complained to each other, saying, ''I wonder what they are doing.'' Well, since I got this job, I have a better picture of that. Even though it appears there is nothing going on out here, a lot of times, in the respective leaders' offices, a lot is going on.

Mr. President, I speak about Jack, but in the process I speak of all these people who do so much for us and make us look good.

I wish Jack good luck in his retirement.

RECOGNIZING CHARLES A. SCHOLZ

Mr. DURBIN. Mr. President, today I congratulate my good friend Charles A. Scholz. On April 29, he will be honored by the Mississippi Valley Council, Boy Scouts of America and presented with the 2007 Distinguished Citizen Award. This commendation recognizes the important contributions of American men and women to scouting and their community. Charles A. Scholz is certainly deserving of such an award.

Charlie has spent most of his life in Quincy, IL. At 80, he retains fond memories of his years as a Boy Scout in Quincy. Charlie attended St. Francis Grade School and Quincy Notre Dame High School.

Beginning in July of 1944, he served in the Navy V–12 Program, a unique initiative designed to recruit commissioned officers during World War II and allow young men to pursue college degrees while serving on active duty. Charlie continued his education at Mercer University, ultimately receiving his juris doctorate degree.

After graduation, Charlie returned home to Quincy. On June 10, 1950, he married the late Nancy Wright. Together they raised seven children in Quincy, instilling in each a desire to serve the community. The success achieved by the Scholz children, serves as a testament to Charlie and Nancy's characters, as well as their dedication to the family and their faith.

Charlie has been a successful attorney in Quincy for years; but he is known equally well for his continuing efforts to give back to the community.

For 25 years, Charlie served on the board of directors of the Quincy Free Public Library. During his tenure as president of the library board, volunteers carried out a successful campaign to raise funds for a new library. Charlie also served board of trustees of the former St. Mary's Hospital in Quincy, first as a member and then as the board's president.

Charlie founded the Quincy Notre Dame Foundation to help support his alma mater. He served on the board of governors of the Franciscan Sisters of the Poor Foundation, Inc. and served as a member of the Board of Land of Lincoln Legal Services Foundation. In addition, Charlie was a past member of the Board of directors of the Community Foundation of Quincy.

The late Dr. Martin Luther King, Jr. once said, ''Everyone can be great, because everyone can serve.'' Well, Charlie Scholz has taken that declaration to heart. He lives a life committed to his family, his faith, and his community. I congratulate him on receiving this award and thank him for his years of service.

VIRGINIA TECH TRAGEDY

Mr. CHAMBLISS. Mr. President, I wish to express my heartfelt condolences to the family of 35-year-old Christopher James ''Jamie'' Bishop, one of the victims of the tragic Virginia Tech shooting rampage that occurred this week. He was teaching an introductory German language course in Norris Hall when the shooting occurred.

Jamie Bishop grew up in Pine Mountain and attended the University of Georgia, where he earned a bachelor's

degree in German studies in 1993 and a master's degree in German linguistics in 1998. Additionally, he was a Fulbright Scholar at Christian-Albrechts-University in Kiel, Germany, in 1993 and worked as an academic technology liaison at the University of North Carolina at Chapel Hill.

It is clear that Jamie Bishop touched many lives with his personality, his sense of humor, his numerous talents, his passion for teaching, and his love of scientific art. In fact, those who were close to him have said he talked about ''changing the world with art.'' He has been described as an intelligent, artistic, caring, gentle, and polite individual.

It is difficult to fathom how something like this could happen, and words can't fully describe the grief we all feel as the weight of this tragedy settles over our Nation. My prayer is that, through faith and resolve, our country will emerge from this disaster in unity and strength as together we find healing from this sorrow.

Julianne and I will keep his wife Stefanie Hofer, who is a member of the Virginia Tech faculty, as well as his parents Michael and Jerri Bishop in our thoughts and prayers during this time of sorrow.

HONORING OUR ARMED FORCES

PETTY OFFICER 1ST CLASS JOSEPH ADAM MCSWEEN

Mr. NELSON of Nebraska. Mr. President, I wish to honor U.S. Navy Petty Officer 1st Class Joseph Adam McSween of Oak Harbor, WA.

Petty Officer McSween will be remembered as a loving husband and father, a dedicated friend and sailor, and a strong leader. After graduating from Georgia Christian High School, he received a track scholarship to York College in York, NE, where he would later graduate in 2001 with an associate degree. While there, Petty Officer McSween was recognized as a natural leader and participated in campus leadership activities. He also met and fell in love with his wife Erin Hammitt while they were students together. They later had two daughters: Lily, age 5, and Gwyneth, age 2.

On April 6, 2007, while serving near Kirkuk, Iraq, as a demolition specialist with the Navy Explosive Ordnance Disposal Unit 11, based at Whidbey Island, WA, Petty Officer McSween and two others passed away when a rocket hit their humvee. McSween was 26 years old. He was awarded the Bronze Star ''V'', Combat Distinguished Device, the Purple Heart, and the Combat Action Ribbon at his military service.

Adam was not a Nebraska resident, but he chose to be buried in York, NE. His very close friend, Petty Officer Randy Leppell, U.S. Navy, had this to say at the funeral: ''One thing I remember about Adam, one story he told was that he called back to some crazy little town called York, Nebraska, which I'd never heard of, and he told me he hadn't been to the school for a while. But the admissions officer still remembered his name. He said, 'This is Adam.' The Admissions Officer said 'Adam McSween?' He couldn't believe it. I couldn't believe it. I think it speaks volumes for the people of York.''

Hundreds of people from York and many other areas of Nebraska and surrounding States, people who never even knew a young college student named Adam McSween, came to his funeral and lined the streets, proudly displaying the American Flag as the procession made its way to Adam's final resting place in Greenwood Cemetery in York, NE.

In addition to his wife and two daughters, Petty Officer McSween is survived by his parents Bob and Florence McSween; his two brothers Robert and Kyle; and his sister Angela. I offer my sincere condolences to the family and friends of Petty Officer McSween. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Petty Officer McSween's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

BACKGROUND CHECKS

Mr. LEVIN. Mr. President, the Brady law requires prospective gun purchasers to undergo a criminal background check before they are able to obtain a firearm from a federally licensed firearm dealer. It was created to prevent felons, fugitives, domestic abusers, and other prohibited persons from gaining access to guns. However, there are significant holes in this legislation that permit exploitation by those who wish to avoid criminal background checks and still obtain guns.

In 1993, President Clinton signed the Brady bill into law. This law required a waiting period for handgun sales until records were available to instantly check criminal background of prospective gun purchasers. Once the National Instant Check System, NICS, became operational in 1998, the Justice Department maintained background check records on approved purchases for 6 months in order to ensure that felons and other prohibited buyers were not mistakenly approved. In 2001, the Justice Department shortened this record retention period to 90 days, the actual amount of time it takes to ensure proper audits of NICS.

Under the Bush administration, however, Attorney General John Ashcroft sought to require the records of approved purchasers to be destroyed within 24 hours. In July 2002, the Government Accountability Office, GAO, issued a report on the potential effects of next-day destruction of NICS background check records. It concluded that destroying these records within 24 hours would prevent the Government from auditing the NICS system to ensure its accuracy and ''would have public safety implications.'' The GAO warned that a corrupt dealer could provide the FBI with a different name than that of the actual buyer to obtain approval for the name of the false purchaser and then proceed with the sale to the actual prohibited buyer. Such a scheme would be nearly impossible to detect with background check records destroyed before the ATF could audit the dealer. Citing his concern about the privacy of gun owners, Attorney General Ashcroft ignored the GAO report and the 24-hour record-destruction provision went into effect.

Another loophole in the law is that it applies only to sales by licensed gun dealers, not to private transfers between unlicensed persons. Approximately 40 percent of gun sales are between private persons, such as at gun shows. Only six States require background checks on all firearm sales. According to the ATF, almost one-third of trafficked guns are acquired at gun shows and flea markets. These gatherings present the perfect opportunity for unlicensed sellers to offer countless guns for sale with no questions asked. People who would not pass a background check in a licensed gun store are able to purchase as many guns as they wish at gun shows.

Between the enactment in 1993 and 2005, the Brady Act has prevented approximately 1.4 million convicted felons and other prohibited persons from buying guns from licensed retail dealers. Without NICS records, law enforcement officers do not have the opportunity to retrieve a mistakenly sold gun in order to protect against its use in a crime. I urge my colleagues to pass commonsense gun regulations which would put an end to these gaping holes in our gun laws.

THE STATE OF SMALL BUSINESS MANUFACTURING

Ms. SNOWE. Mr. President, today I commemorate National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have made it one of my top priorities to champion our Nation's small businesses and manufacturers and promote their needs and concerns. Our top job creators deserve nothing less. The fact is, small businesses are the driving force behind our Nation's economic growth, creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. It is essential that we in Congress continue to support small businesses ability to grow and expand so our economy can accelerate forward and create more jobs.

I can tell you, there is no higher priority for me than bolstering the state of our Nation's small manufacturers. In Maine, more than 20,700 manufacturing jobs disappeared between August 2000 and August 2006. We here in

Congress cannot accept any more losses as a foregone conclusion. This vital sector continues to face tremendous challenges—taking on a significant level of domestic costs that foreign competitors do not, including labor costs, fuel costs, and the regulatory and tax burden. Sadly, as a result, many manufacturers are forced to close their doors or outsource abroad.

The reality is, the manufacturing sector, more than any other sector, drives our Nation's economy—with manufacturers responsible for more than 70 percent of private sector research and manufacturing goods making up over 60 percent of U.S. exports. There is no coincidence that this is a value added industry.

I believe that we can and must fight for our Nation's manufacturers especially when you consider the manufacturing industries pay wages that are about one-third higher than average wages. And that is all the more true for small business when they have resources available that have proven their value, including the SBA which has helped to create or retain over 5.3 million jobs since 1999. And just last year, the manufacturing extension partnership's, MEP's, services helped to create and retain over 35,000 jobs and increase revenue by $6.25 billion. We must work hand-in-glove with Small Business Administration, SBA, and MEP to bolster our manufacturing base to ensure not only that resources are available to those who wanted to either maintain, grow, or start small businesses.

That is why I introduced an amendment today to the America COMPETES Act that clarifies the MEP non-Federal cost share language to enable the MEP centers to draw down all of their available funding and further enhance their capability and capacity to work with manufacturers.

This amendment clarifies the intent of Congress when it first enacted the statute authorizing the Manufacturing Extension Partnership Program, now known as the Hollings Manufacturing Partnership Program, to provide Federal assistance to manufacturers in the United States.

A key concept in the program is the requirement that each center obtain 50 percent of its capital and annual operating and maintenance costs from sources other than the Federal Government. The National Institute of Standards and Technology, NIST, officials have, in the past, properly considered cost share requirements to have been met when centers partnered or entered into other agreements with other organizations meeting the needs of American manufacturers.

This amendment clarifies and reemphasizes that such agreements and partnerships, and the money spent by those organizations assisting American manufacturers, clearly are to be considered proper cost share as long as the partnering organization is meeting the programmatic objectives for assistance to be provided to American manufacturers as set forth for the Hollings Manufacturing Partnership Program. By teaming with such organizations, as encouraged by the original statute, the centers can and do leverage their Federal resources and avoid duplicating services necessary for the successful operation of American manufacturers. With the right resources, many more small manufacturers will be eligible to use this program to help grow their business.

We cannot ignore the effect that countries like China are having on our Nation's manufacturers. In order to compete fairly in this increasingly competitive global market we must ensure that currencies are not strategically manipulated. That is why I will continue to work with the President and those in Congress to ensure that our Nation gets tough with China on those important issues. I continue to pressure the Treasury Department and the U.S. Trade Representative to also work toward that goal China to move toward a market-based exchange rate.

The bottom line is, our country's future will be determined by today's small businesses. The faster we strengthen and sustain our Nation's small manufacturers, the more quickly America's economy will grow.

SMALL BUSINESS' VITAL CONTRIBUTION TO THE ECONOMY

Mr. SNOWE. Mr. President, today I offer a few remarks regarding National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our Nation's small businesses and to promote their needs and concerns. Our top job creators deserve nothing less.

This week, I have already discussed how Congress must solve the small business health insurance crisis and bolster the state of our Nation's small manufacturers. Today, I would like to spend a few minutes on the critical role small businesses play in the American economy. In the back of our minds, we in Congress all know how vital small businesses are to economic growth. But when we come to the floor to speak about small businesses issues, we are generally trying to fix a specific problem. We generally gloss over the overall impact small businesses have on driving our Nation's economy.

The Small Business Administration's Office of Advocacy, an independent voice for small businesses within the Federal Government, has published a wide variety of statistics regarding small firms. This data, which shows that small businesses are responsible for 50 percent of nonfarm economic output, or gross domestic product, clearly reflects how vital small businesses are to job creation and the Nation's economy.

One little known fact is that small businesses represent just about every private-sector employer in the United States. According to the Office of Advocacy, which defines a small business as an independent employer with fewer than 500 employees, small firms represent 99.7 percent of all employer firms. In 2005, approximately 25.8 million small businesses, 671,800 of which are estimated to have opened in that year alone, were operational and providing consumers and businesses with goods and services. Of these firms, 5.8 million had employees, and 18.6 million were sole proprietorships. In contrast, there were only approximately 17,000 larger business in operation across the country in 2005.

Not only do small businesses account for just about every employer in the United States, but these firms are also job providers. Small businesses employ fully half of all private-sector workers. They also pay more than 45 percent of U.S. private payroll. Of the 113.4 million nonfarm private-sector workers in 2003, 57.4 million were employed by small firms with fewer than 500 employees. Notably, small businesses with fewer than 100 employees accounted for 41 million of that number.

In addition to employing American workers, small businesses are also at the forefront of creating new jobs. Over the last decade, small businesses have generated 60 to 80 percent of net new jobs annually. What is particularly interesting is that in 2003, the most recent year for which complete data is available, small businesses created 1,990,326 net new jobs. In contrast, large firms with 500 or more employees shed 994,667 jobs. Thus, if it were not for small businesses, the economy would have lost jobs in 2003 instead of creating just about 1 million new employment opportunities for America's workforce.

It is vital to point out that the jobs small businesses are creating reflect the needs of a high-tech, innovative, and global marketplace. Small businesses have led the technological revolution and currently employ 41 percent of high-tech workers, including scientists, engineers, and information technology professionals. Moreover, small businesses are constantly creating new products, producing 13 to 14 times more patents per employee than large firms. In addition, these patents are twice as likely as large-firm patents to be among the one percent most-often cited. Finally, America's small business are competing on a global scale, comprising 97 percent of all identified exporters and producing 28.6 of total exports in 2004.

The fact is small businesses are the driving force behind our Nation's economic growth creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. These are the reasons it is so essential that we in Congress continue to support small businesses' ability to grow and expand so that our economy can accelerate forward and create more jobs. I hope we keep this in

mind when we come to the floor to fight for fewer regulations, a lower tax burden, and more affordable and accessible health insurance for small businesses and their employees.

COMBATTING VIOLENCE WITH JOBS FOR YOUTH

Mr. KENNEDY. Mr. President, a recent op-ed article in the Boston Globe emphasizes the severity of the employment problems facing today's youth and its relationship to the increase in gang and gun-related violence in the Nation's cities.

Easy access to guns and other dangerous weapons and the shameful prevalence of drugs are major contributors to this problem, but so too is the lack of job opportunities available for our youth. We have failed to develop job programs that will help these youths build a future without guns and gangs.

In the Globe piece, William Spring, the distinguished former vice president of the Federal Reserve Bank of Boston and a senior member of the domestic policy staff in the Carter administration, and Andrew Sum of Northeastern's Center for Labor Market Studies, argue that although we face a very real problem with youth unemployment, we can do something constructive about it. The only question is whether we have the will and the wisdom to make the investments necessary to enable our youth to seek, find, and take advantage of the job opportunities that can transform their lives and make our communities safer and stronger.

I believe the article will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

[From the Boston Globe, Apr. 5, 2007]

COMBATTING VIOLENCE WITH JOBS FOR YOUTHS

(By William Spring and Andrew Sum)

During the past few weeks, attention has been focused on the rise in fatal shootings and gang-related activities in Boston. Governor Deval Patrick and Boston Mayor Thomas Menino recently announced joint efforts to combat gang violence, including an expansion in youth summer jobs. Renewed public policy attention to youth labor market problems in Boston and the state is clearly warranted. While the overall number of jobs has increased over the past few years, the labor market for teenagers in both the nation and state has remained extraordinarily weak.

Employment rates for the nation's and state's teens (age 16–19) in 2005 and 2006 were the lowest in the past 50 years. Male high school students and dropouts across the state have found it particularly difficult to find work over the past six years, often increasing their involvement in gang and criminal activities.

To make matters worse, job opportunities for high school youths are distributed unevenly across key demographic and socioeconomic groups. In 2005, white high school youths were twice as likely to work as black youths and 40 percent more likely than Hispanic youths. The need for a concerted set of public policy responses both short-term and long-term is needed.

A variety of favorable educational, social, and labor market outcomes can be generated from an expansion of in-school work opportunities for high school students, especially those from race-ethnic minority and low-income groups.

National research has shown that minority and low-income youths who work in high school are less likely to drop out than their peers who do not work. Students with jobs that offer work-based learning opportunities are more likely to see the relevance of school curriculum to future job performance and remain more committed to their school work.

Teenage women who live in local areas that provide more job opportunities to them are less likely to become pregnant, and male teens are less likely to become involved with the criminal justice system. National, state, and local research also consistently reveals that work in high school facilitates the transition to the labor market upon graduation and increases the annual earnings of youth in their late teens and early 20s.

There are a variety of workforce development strategies that can be pursued to boost employment opportunities for high school students during the regular school year and the summer.

First, the hiring of professional staff to work with students and employers to create work-based learning opportunities, paid internships, and regular job opportunities is important, especially for youth from low-income families and those whose parents do not work. Job brokering services of these career specialists also can broaden the range of jobs by industry and occupation to which high school students can be exposed.

At a minimum, maintaining last year's increased funding for the existing Connecting Activities Program at $7 million can help local Workforce Investment Boards increase the hiring of staff to work with students and employers to improve teen job prospects. The governor and Legislature should jointly support an increase in funding for such connecting activities and demand strong accountability for performance.

Second, employers who provide work-based learning opportunities and wages for students in school-to-career programs should receive tax credits for their hiring and training of high school students. Many employers provide important staff support and in-kind contributions to such programs and should be rewarded for their efforts.

Third, the governor should encourage all state agencies to promote the hiring of high school students during the summer months, and more of the state's mayors and town managers should follow the lead of Menino in promoting the hiring of their high school students by the private sector.

Fourth, the state should adopt a youth apprenticeship program similar to that of the state of Wisconsin's and more aggressively promote apprenticeship training under the existing system in our state. Young workers in Wisconsin can receive youth apprenticeship training in up to 21 occupational fields under the state's system, thereby providing employers with access to young skilled workers in a structured work/training system.

Massachusetts should aim to become a national leader in both the employment and training of its high school students and out-of-school youth. A more successful youth employment and training system can help promote the future growth and quality of our state's resident labor force and help stem high levels of out-migration.

REFORMING THE STUDENT LOAN INDUSTRY

Mr. KENNEDY. Mr. President, a column by Joe Nocera from last Saturday's New York Times contains an excellent analysis of the student loan industry and the recent sale of Sallie Mae. We often hear about the rising cost of college and the debt that so many students shoulder to attend college. As this article emphasizes, the industry reaps enormous profits by forcing students to burden themselves with excessive debt.

The recent sale of Sallie Mae illustrates the problem. The company, the largest player in the industry, was purchased earlier this month by private equity firms and banks for an incredible $25 billion, 50 percent premium over Sallie Mae's stock price.

Financial specialists know how profitable lenders such as Sallie Mae are because of the large Government subsidies these companies receive subsidies of more than a billion dollars last year. As Congress moves forward with reauthorizing the Higher Education Act, we must look closely at this industry and its practices to ensure that America's students are the ones being served, not just the bottom lines of America's lenders.

Mr. Nocera, a Times' business columnist and former editorial director of Fortune magazine, is widely respected and has won numerous awards for excellence in business journalism. I believe his column will be of interest to all of us in Congress, as we consider the reauthorization of the Higher Education Act, and I ask unanimous consent that his article, ''Sallie Mae Offers a Lesson in Cashing In,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 2007]

SALLIE MAE OFFERS A LESSON ON CASHING IN

(By Joe Nocera)

Aren't you just fuming about that Sallie Mae deal?

The company, formally known as the SLM Corporation, which has been the subject of recent exposés and investigations, announced this week that it had agreed to be taken private in a deal worth $25 billion. The stock, which has been in a slow decline over the last year, leapt. The market was pleased.

But I'm here to tell you that the deal stinks, though not in the usual ''management and private equity are stealing your company'' kind of way. You're free to disagree, of course, though if you do, you're probably not struggling to put your children through college.

Sallie Mae is the nation's largest student lender; indeed, it dominates the business. It has the biggest share of government-guaranteed loans, originating $16 billion of such loans last year alone. In 2006, it also generated $7.4 billion in ''private'' loans: that is,

loans that aren't guaranteed, but which students need because their tuition, room and board so far exceeds the pathetic $23,000 the government guarantees over the course of an undergraduate degree.

The most popular government-guaranteed loans come with interest rate caps (currently 6.8 percent) but they also have certain undeniable advantages for Sallie Mae and its competitors. They are subsidized by the Department of Education. The government makes the lenders nearly whole, even if the student defaults. And the companies are guaranteed by law a decent rate of return.

In other words, the lender takes no risk. The private loans are even more lucrative because companies can charge whatever interest rate they want—not to mention all kinds of fees. In all, Sallie Mae originated more than 25 percent of the student loans made last year.

But wait. There's more. Sallie Mae buys loans from other education lenders and then securitizes them. It has a loan consolidation business, so students can wrap all their education loans into one big fat Sallie Mae loan. It even has its own collection agency so it can hound delinquent broke graduates into repaying. (Government-guaranteed college loans, by the way, aren't easily discharged if the borrower files for bankruptcy.) Sallie's market power—and its close ties to university financial aid administrators, as we've been learning lately from Jonathan D. Glater, a reporter for The New York Times, and others—have made it immensely profitable. In 2006, the company made over $1 billion.

Thus, you can't blame the private equity guys for drooling over Sallie Mae. They look at the company, and the arena in which it plays, and they see never-ending tuition increases. The need for a college education will only increase in importance. Most cash-short students and middle-class parents will continue to borrow lots of money to pay the $100,000 to $150,000 required to attend a good college. Although the Democrats want to cut the subsidies for government-backed loans, and lower the interest rate caps, the more lucrative private market is going to continue to explode. No wonder the private equity firms of J. C. Flowers & Company and Friedman Fleischer & Lowe were willing to offer a 50 percent premium over Sallie's stock price—and load on $16 billion in new debt. This thing is a gold mine, I tell you.

But there's another, less market-oriented way to look at this. The entire educational-lending racket is built around the business of piling thousands of dollars worth of debt onto a class of Americans who will probably have to struggle to pay it back. ''We ask people who are trying to make something of themselves to mortgage their future, and Sallie Mae profits from that,'' said Elizabeth Warren, a professor at Harvard Law School.

And when those former students have to start paying back the loans, and they don't have a good-paying job, and they start to fall behind, the industry takes full advantage. Meanwhile, many of the practices now under investigation by the New York attorney general, Andrew M. Cuomo, are intended primarily to keep out competition that might bring down the cost of those loans. Last week, Sallie Mae paid $2 million to settle an investigation that Mr. Cuomo's office was undertaking. In other words, Sallie Mae and its competitors are maximizing profits on the backs of college students. Can that really be the right priority for our society?

It wasn't always like this. Sallie Mae was started in 1972, and for most of its existence it was a ''government-sponsored entity'' like Fannie Mae or Freddie Mac. Its primary role was to buy up and securitize government-backed student loans originated by banks and others so that they, in turn, would have the cash to make yet more student loans. The government subsidized such loans to give lenders the incentive to make them, since the interest rates were fairly low, and the margins were thin. The private loan business largely didn't exist.

During the Clinton administration, the government created a new direct-loan program, thus potentially cutting out the industry, and leaving Sallie Mae with the prospect of becoming irrelevant. At the time, Sallie Mae was prevented by law from originating its own loans.

In 1997, Albert L. Lord became the chief executive of Sallie Mae. (He remains the company's chairman.) Despite presiding over a government-sponsored entity, Mr. Lord was an unapologetic capitalist, who decided that Sallie's best bet was to untether itself from the feds and go directly into the loan business.

Under his leadership, Sallie shed its status as a government-sponsored entity and began the process of dominating the industry. It built those controversial ties to financial aid officials. It helped push back the direct loan business, which many people believe offers taxpayers a much better deal. It got into the private loan business. It became the 800–pound gorilla. From 1999 to 2004, Mr. Lord accumulated $235 million, most of it from stock options. He got so rich making student loans that he even led one of the groups trying to buy the Washington Nationals baseball team.

The abuses and problems that have recently come to light have actually been around for years. But it wasn't until a new entrant into the field, MyRichUncle, began running a series of advertisements asking pointed questions about the cozy relationships between financial aid officials and executives at the big educational lenders, that the world took notice. The small company's two founders, Raza Khan and Vishal Garg, both 29, had the radical idea that if they offered lower interest rates and a better deal, students and parents would flock to them. Instead, they discovered that most people simply did whatever the university federal aid officer suggested, and they couldn't get on the list of ''preferred lenders.''

Shut out by what they saw as a cartel, they decided to fight back with a public campaign. That campaign helped set in motion the current investigation by Mr. Cuomo—and earned the MyRichUncle founders the eternal enmity of Sallie Mae and the rest of the industry.

Not that they appear to care. ''We love talking about Sallie Mae,'' Mr. Khan told me with a devious chuckle. Mr. Khan believes that students will be better served if the lending companies start competing on the basis of interest rates and price—and not just on who can cozy up to the universities. It is hard to disagree with him.

What does Sallie Mae say about all of this? You will not be surprised to hear that the company views itself not as the college student's tormentor but as her best friend. I spoke to two Sallie Mae representatives, a senior vice president named Barry Goulding, and Tom Joyce, its vice president for corporate communications, both of whom insisted that Sallie Mae was the dominant player because it offered students and administrators the best level of service, and the best array of products. They insisted that borrowers who exhibited exemplary behavior often got interest rate reductions. (Those who missed a payment weren't so lucky, however.) They said that the so-called preferred-lender list was actually a good thing, and not a way to keep out competition.

''The vast majority of schools go through a competitive bidding process and get the best deals for students,'' Mr. Joyce said.

According to them—and they are right about this—a big part of the problem is that Congress hasn't raised the limit on government-guaranteed loans since the early 1990s, and that fact, rather than the lenders' greed, is what has driven the explosive rise in private loans. Although they complained that any move by Democrats to lower subsidies and interest rates would hurt its business, they denied that this would cause Sallie Mae to promote its private business at the expense of its government-guaranteed business.

And maybe it won't. But even so, the current for-profit student lending industry is still more about shareholders and profits than about the genuine needs of students, who very often don't have enough money in the first 2, or 5, or even 10 years out of college to pay the high interest rates and onerous fees that make the industry so profitable.

There are some things in life that really ought to be about more than making money. Surely, student loans should be on that list. Sallie Mae was once an institution where profits took a back seat to performing a public good. That, alas, is no longer the case.

Lest you doubt me, listen to Mr. Lord himself. On Thursday, The Washington Post published an interview in which he bluntly declared that his decision to take the company private stemmed from his frustration with ''the politicians'' whose decisions were hurting Sallie's share price. These are the same politicians, of course, who passed the laws that made Sallie's business possible. But never mind.

''I didn't see our share price rebounding anytime soon and I said, 'This is silly,' '' Mr. Lord told the paper. Mr. Lord added that when the buyout is complete and he leaves the company, he'll walk away with a $135 million payout.

Are you mad yet?

THE VISIT OF PRIME MINISTER SHINZO ABE

Mr. OBAMA. Mr. President, today I extend my welcome to Prime Minister Shinzo Abe of Japan, who is making his first trip to the United States as Prime Minister this week.

The U.S. Japan alliance has been one of the great successes of the postwar era, and Japan's remarkable achievements and constructive role in world affairs over the past 60 years are a great testament to the Japanese people. As the world's two wealthiest democracies, the U.S. and Japan, have a shared interest in promoting security and prosperity in Asia and around the world—shared interests that rest on a bedrock of shared values: in democracy, the rule of law, human rights, and free markets.

As one of America's closest allies, Japan today plays a vital role in working with the United States in maintaining regional security and stability, promoting prosperity, and meeting the new security challenges of the 21st century.

Japan's role in the Six Party Talks—supporting efforts to persuade North Korea to abandon its nuclear weapons program and return to the nonproliferation treaty and IAE safeguards—has been essential. And beyond North Korea, Japan today is playing a leading role in the architecture of the Asia-Pacific region, including participating in peace keeping operations, and

in building stable and enduring structures for cooperative regional security.

In the face of such threats as North Korea's nuclear and missile programs, Japan, in partnership with the United States, has also sought to reinvigorate its security profile in the region. Japan's efforts to develop a more capable Self-Defense Forces, as well as the Prime Minister's elevation of the Japan Defense Agency to a Ministry, are, in my view, both to be welcomed as signs of a ''normal'' Japan, able and willing to play a leading and responsible role in the region.

The U.S.-Japan alliance must remain at the core of efforts to revitalize Japan's role in ensuing stability and security in the region. One key aspect of this effort is the realignment of forces currently in Japan, making certain that America's ability to respond to threats in the region is not diminished.

Japan has shown that it is not only playing a responsible leadership role in its own region, but globally as well.

The occasion of the Prime Minister's visit provides an opportunity for the people of the United States to express our deep appreciation to Japan for its contributions to our efforts to combat al-Qaeda and other international terrorist organizations. In Afghanistan, Japan has donated over $1 billion in development funds to rebuild vital infrastructure precisely the sort of effort to transform the environment in Afghanistan that will be key to defeating al-Qaeda and the Taliban. And Japan has provided critical support—often unseen—in multilateral efforts to thwart the growth of terrorist organizations in Southeast Asia.

Japan has also proved to be an invaluable partner in providing humanitarian response and relief in the Southeast Asia. Japan joined with the United States in responding to the tragic December 2005 tsunami, and has worked with others across the region to develop an effective tsunami early warning system.

And Japan has worked with the United States and others in the international community to develop the infrastructure and institutions we need in order to face new transnational challenges like the threat of avian influenza. Also, although Japan's foreign assistance level declined earlier in the decade, as part of the 2005 G8 global development discussions, Japan announced it would increase foreign aid by $10 billion in aggregate over the next 5 years, and double its assistance to Africa over the next 3 years.

With newspaper headlines that remind us on a daily basis of the risk the planet faces from climate change, we must also recognize the critical leadership role in the international community that Japan has played on environmental issues and climate change. The Kyoto Protocol, which was negotiated in Japan's ancient capital of Kyoto in 1997, has now been ratified by over 160 nations.

Japan has also played a key role in forging the Asia-Pacific Partnership on Clean Development and Climate, through which the U.S., Japan, and others in the region seek to marshal the scientific and technical expertise needed to develop cleaner and more efficient technologies and bring about a carbon-neutral Asia-Pacific region without sacrificing economic growth.

As the world's second-largest economy, Japan is a vital source of growth and dynamism for the rest of the world. In this regard, the reemergence of Japan from its ''lost decade'' of virtually no economic growth is a most welcome development.

There is nonetheless still more Japan can do at home to improve the structure of its economy, from removing regulations that stifle business competition and innovation to further develop Tokyo as a global financial market. And the Japanese economy is still not open enough to imports in key sectors or to foreign direct investment. The United States has an interest in seeing Japan address these challenges so that the Japanese economy can continue to play a leading role in sustaining global economic growth.

Although not without its challenges—as is natural in any normal bilateral relationship—the United States and Japan today have a strong and deep relationship and the basis for close cooperation and partnership which will allow us to work together to meet the challenges of the decades ahead.

But I would be remiss in my duties as a friend of Japan if I did not note that for Japan to be able to play a leading role in Asia and be perceived by its neighbors as a ''normal'' nation it must deal forthrightly with its history. It is important for Japan to face these issue fully, openly, and honestly. A Japan that is mindful of its past can and should play a leading role in Asia's future.

So let me, in turn, close with some thoughts on the future of the U.S.-Japan relationship.

First, I believe that it is important for Americans, so used to a close partnership with Japan, to embrace the complex realities of a Japan that is a ''normal nation''—one that has its own identity, vision, and goals. Such a Japan should be welcomed by the United States as a true partner and friend, even while understanding that it may mean that there will be differences on certain issues.

Given the new regional realities, United States can no longer take managing the U.S.-Japan alliance for granted.

Second, although the U.S.-Japan relationship remains the centerpiece of both U.S. and Japanese policy in the Asia-Pacific region, in recent years the Bush administration has let its attention to this critical relationship drift as it has been distracted by other issues.

The alliance demands, and is deserving of, close political cooperation and coordination at every level, reflecting the key role Japan plays as an anchor of U.S. economic and security interests in the region and across the globe.

Third, recognizing the important role that Japan now plays around the globe—on peacekeeping, economic development, global warming and new transnational threats—I believe the time has long since passed for Japan to have a role commensurate with its responsibilities, including in the U.N. Security Council.

The visit of Prime Minister Abe provides us an opportunity to rededicate ourselves to the U.S.-Japan partnership, with the same spirit that has governed our relations for over 60 years. America benefits greatly from a close and productive partnership with a Japan that is confident about its future and willing and able to play a leading role in creating a peaceful and prosperous Asia.

STATE-BASED HEALTH CARE REFORM ACT

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of over 45 million people in the United States, and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the No. 1 issue that I hear about in Wisconsin, and it is the No. 1 issue for many Americans. Nevertheless, the issue has been largely ignored in the Halls of Congress. We sit idle, locked in a stalemate, refusing to give this life-threatening problem its due attention. We need a way to break that deadlock, and that is why I have introduced a bill with the Senator from South Carolina, LINDSEY GRAHAM, that will do just that—the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our Nation, Americans suffer from medical conditions that cause them pain and even change they way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs.

When illness strikes families, the last thing they should have to think about is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. Forty-seven percent of the uninsured avoided seeking care in 2003 due to the cost. Thirty-five percent needed care but did not get it. Thirty-seven percent did not fill a prescription because of cost. The uninsured are seven times more likely to seek care in an emergency room. They are less likely to receive preventative care because they cannot afford to see the doctor, and they are more likely to die as a result. Each year, at least 18,000 people die prematurely in this country because of uninsurance. If the uninsured had access to continuous health coverage, a reduction in mortality of 5 percent to 15 percent could be achieved.

The United States is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hard-working family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer subpar benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the No. 1 issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. These people used to think government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide states with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided the states meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. I have long said that a single-payer health care system is what I prefer for our country. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

This bipartisan legislation harnesses the talent and ingenuity of Americans to come up with new solutions. This approach takes advantage of America's greatest resources—the mind power and creativity of the American people—to move our country toward the goal of a working health care system with universal coverage. With help from the Federal Government, States will be able to try new ways of covering all their residents, and our political logjam around health care will begin to loosen.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go. We need to consider all of these as we address our broken health care system.

Under our proposal, States can be creative in the state resources they use to expand health care coverage. For example, a state can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This task force will be responsible for choosing viable state projects and ensuring that the projects are effective. The task force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good relationship between the State and Federal Governments.

The task force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and state buy-in. Other than these requirements, the states largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill doesn't avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

One of the offsets in the bill was proposed by the Congressional Budget Office: an increase in the flat rebate paid by drug manufacturers for Medicaid prescription drugs. Currently, Medicaid recoups a portion of its drug spending through a rebate paid by the manufacturer. The savings mechanism would set a flat rebate, and provide funding for the States' health care reform projects. Another offset in the bill, also proposed by the Congressional Budget Office, is reduced subsidies for Medicare Part D prescription drug benefits for the highest income seniors. This would impact only single retirees earning more than $80,000 per year and married retirees earning more than $160,000—less than 5 percent of all Medicare beneficiaries.

Additional funding for the bill comes from the President's fiscal year 2007 budget proposal to extend the authority of the Federal Communications Commission to auction the radio spectrum and the authority of Customs and Border Protection to collect multiple different conveyance and passenger user fees through fiscal year 2016. My bill proposes similar extensions of these established authorities. Also, my bill proposes to both simplify and reduce the Federal subsidy of airline passenger screening costs by replacing the current variable fee, which is capped at $5 per one-way trip, with a flat $5 fee. This proposal is similar to one in the president's fiscal year 2007 budget and

would decrease Federal subsidies to about 30 percent of passenger security costs, without reducing aviation security spending.

We can say that it is time to move toward universal coverage, but it is empty rhetoric without a feasible plan. I believe that this is the way to make universal coverage work in this country. Universal coverage doesn't mean that we have to copy a system already in place in another country. We can harness our Nation's creativity and entrepreneurial spirit to design a system that is uniquely American. Universal coverage doesn't have to be defined by what's been attempted in the past. What universal coverage does mean is providing a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' It is long past time for Congress to heed these words and end this terrible inequality. I urge my colleagues to support the State-Based Health Care Reform Act.

COMMEMORATING GREEN MOUNTAIN NATIONAL FOREST

Mr. LEAHY. Mr. President, 75 years ago today, President Herbert Hoover signed a proclamation officially establishing the Green Mountain National Forest in Vermont.

This was the result of significant effort on the part of the State of Vermont and several of the State's leading conservationists and legislators of the time. While a number of Vermonters had proposed a national forest in the State just after the turn of the 20th century, it took a sustained effort over the next three decades for this vision to become a reality.

In 1925, the Vermont General Assembly passed the enabling act to allow the Forest Service to purchase land in Vermont. Many would argue just 2 years later that the devastating impact of the 1927 flood showed the need for sound forest management practices in the Green Mountains. It was fitting that the initial land purchases for the southern half of Vermont's national forest were from the estate of Marshall J. Hapgood, who, years earlier, had advocated for a National Forest in the Green Mountains. Hapgood was a practitioner of scientific forestry on his own lands and saw the value of a sustainable timber resource and watershed protection.

From that initial Hapgood acquisition of just over 1,000 acres, the Green Mountain National Forest has grown to more than 400,000 acres today, and it includes in the northern half of the forest many of the lands conserved by another conservation pioneer, Joseph Battell.

The Green Mountain National Forest today is fulfilling the vision of those early forestland stewards by protecting watersheds, providing forest products, forest management demonstration and recreational opportunities. The Green Mountain forest hosts segments of the Long and Appalachian Trails, alpine ski areas, several wilderness areas and two national recreation areas, one of which is now named in honor of our late colleague, Robert T. Stafford.

As one of Vermont's Senators, I am proud to have been able to play a role in the growth of the national forest in my State, in both land area and with its facilities. I am also grateful to the dedicated, professional staff of the Green Mountain National Forest who recently completed the new land and resource management plan for the forest and who were particularly helpful to the congressional delegation during our recent wilderness deliberations.

As we celebrate its 75th anniversary, we are also proud that the Green Mountain National Forest will be providing the 2007 Capitol christmas tree for the National Mall, and the companion trees for many of our public buildings in Washington a tangible example of how the Green Mountain National Forest is being shared by all Americans.

ADDITIONAL STATEMENTS

RECOGNITION OF DR. MARY STRANAHAN

• Mr. BAUCUS. Mr. President, today I wish to recognize Dr. Mary Stranahan. Dr. Stranahan is a retired medical doctor and an active philanthropist who lives in Arlee, MT. Arlee is a small town in western Montana located on the Flathead Indian Reservation in Lake County. Arlee is a place of incredible physical beauty, like so many places in Montana. But amid the beauty are poverty and economic challenges. Lake County ranks as one of the poorest counties in Montana. In her years as a practicing family physician in Lake County and on the reservation, Mary saw first-hand the relationship between limited economic opportunity and family health.

Since retiring from medicine, Dr. Stranahan has become immersed in the survival and success of local agriculture and mainstreet businesses. She knows agriculture and small business play a vital role in healthy rural communities. Over the years, Dr. Stranahan has, as a concerned individual, been a core donor for innumerable charities and non-profits in Montana.

But this year Dr. Stranahan is taking her philanthropic commitment to a whole new level in chartering the Montana Good Works Foundation. This new Montana foundation will work to focus Dr. Stranahan's grants and donations on social justice, rural community development, and sustainable business development in Montana.

In one of the Montana Good Works Foundation's first gifts, Dr. Stranahan has shown extraordinary leadership by giving $1.42 million to the Montana Community Development Corporation. This gift kicks off MCDC's campaign to grow its loan fund for Montana businesses to $15 million and it empowers MCDC to expand its business coaching services.

Dr. Stranahan has further committed to help Montana Community Development Corporation recruit more philanthropists to this important effort to build entrepreneurship in Montana.

I commend Dr. Stranahan for her great leadership in rural philanthropy. The Big Sky Institute reports that rural States like Montana are on the short end of a great disparity in foundation grant-making. The Big Sky Institute found that, adjusting for population, foundation grants to rural States are less than a fifth of the national average. After adjusting for population, foundation grants to rural States are less than a tenth of the amount received in the State of New York.

Last May, I spoke to the annual conference of the Council on Foundations in Pittsburgh, PA. I challenged foundations to double their grant-making to rural States within 5 years. And I am working with leaders in the nonprofit and foundations communities to convene a rural philanthropy conference in Missoula this August. I am proud of the progress we are making in rural philanthropy. And I look forward to working together with Montana philanthropists like Dr. Stranahan to keep the ball rolling.

I applaud Dr. Stranahan for the vision and the scope of her philanthropy. In particular, I commend her commitment to building rural entrepreneurs as a core philanthropic strategy. Dr. Stranahan is one of the new Montana leaders who are showing the world that Montana truly deserves its designation as the Treasure State.

I recognize and commend Dr. Mary Stranahan for her substantial efforts on behalf of Montana's communities and Montana's future.•

HONORING THE LIFE OF FRED OCHI

• Mr. CRAPO. Mr. President, I note the passing of a most distinguished and

talented Idaho artist and businessman, Fred I. Ochi, on February 18, 2007. Fred lived in my hometown of Idaho Falls and was best known throughout Idaho and the West for his beautiful paintings; barns were one of the trademark subjects of his Japanese-influenced art. Although known for his art work, Fred's life reflected a penchant for perseverance, business, and appreciation of the importance of art to communities.

Fred, a Japanese American, was born in California in 1913. After losing his mother at the young age of eight, Fred and his brother spent 3 years in Japan living with their grandparents. He returned to California where he studied art and became a theatre manager in the San Francisco Bay area in the 1930s. He found a public place for his artwork back then—movie marquees of the 17 theatres he managed. Due to the war, Fred was evacuated from California in 1942 and moved to southeastern Idaho, where he managed marquees for theatres there. Fred was an unfortunate victim of one of the darker periods in Idaho history; he had to be escorted by Idaho National Guard troops when people organized a protest against the theatres based on Fred's ethnicity.

Fred continued his life's work in Idaho Falls. He settled there in 1943 and spent the rest of his life working there, raising his children with his wife Yoshiko. The man who completed 10,000 watercolors over the course of his lifetime opened a commercial art and sign shop, and was a founding member of the Idaho Falls Art Guild. In Idaho Falls, he served as a longtime member of the Chamber of Commerce and the Kiwanis Club. Fred left an indelible mark on arts in Idaho. He served as president of the Idaho Art Association and earned the 1998 Governors Award for Excellence in Art. During Idaho's State Centennial, Fred was named one of the ''100 Citizens Who Made a Difference for the State.''

Fred was generous with his talent, sharing it with students of all ages throughout Idaho and western Wyoming. Fred's ready smile and sense of humor was well-known: his business cards read ''Smiling Irishman, Fred O'Shay.'' My sister Christine knew Fred well. Knowing of her interest in art, Fred would invite her to watch him work at his studio, the ''log hut.'' She remembers his painting style as fast and powerful; he used many different brushes with big brush strokes. It was intentional and bright, like his personality.

Fellow Idaho Falls artist Gloria Miller Allen observed:

> I will always remember him in old white dress shirts slightly spattered with paint, and with his glasses spattered as well. I can still see him in his red kimono selling paintings down by the river. Idaho Falls will miss this good man.

Fred's legacy lives on in his 5 children, 11 grandchildren and 2 great-grandchildren. He will be sorely missed, and I offer his family my condolences and our gratitude for sharing Fred and his art and legacy with us all.●

MESSAGE FROM THE HOUSE

At 11:42 a.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. 362. An act to authorize science scholarships for educating mathematics and science teachers, and for other purposes.

H.R. 363. An act to authorize programs for support of the early career development of science and engineering researchers, and for other purposes.

H.R. 518. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 362. An act to authorize science scholarships for educating mathematics and science teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 363. An act to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 518. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1613. A communication from the Deputy Director for Regulations, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Design and Construction Requirements to Reduce Internal Corrosion in Gas Transmission Pipelines'' (RIN2137–AE09) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards'' (RIN2137–AE01) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (18)'' ((RIN2120–AA63)(Amdt. No. 467)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (127)'' ((RIN2120–AA65)(Amdt. No. 3212)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (8)'' ((RIN2120–AA65)(Amdt. No. 3211)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (85)'' ((RIN2120–AA65)(Amdt. No. 3210)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (11)'' ((RIN2120–AA65)(Amdt. No. 3209)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (22)'' ((RIN2120–AA65)(Amdt. No. 3208)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation 501–D Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. 2001–NE–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt

and Whitney PW4077D, PW4084D, PW4090, and PW4090–3 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2006–NE–05)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–026)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Beech Models 45, A45, and D45 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–33)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–235)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–61)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–173)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Microturbo Saphir 20 Models 095 Auxiliary Power Units'' ((RIN2120–AA64) (Docket No. 2006–NE–21)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80C2 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2006–NE–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB–BK 117 C–2 Helicopters'' ((RIN2120–AA64) (Docket No. 2006–SW–28)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Teledyne Continental Motors GTSIO–520 Series Reciprocating Engines'' ((RIN2120–AA64) (Docket No. 2005–NE–05)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–157)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–216)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Aircraft Engines CF34–3A1/–3B/–3B1 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2007–NE–06)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Glasfugel Models H 301 'Libelle,' H 301B 'Libelle,' Standard 'Libelle,' and Standard Libelle-201B Sailplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–28)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. 98–ANE–47)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–78)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mooney Airplane Company, Inc., Models M20M and M20R Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–51)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Models M.S. 760, M.S. 760 A, and M.S. 760 B Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–74)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–38)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–096)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–16)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Huslia, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–13)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Low Altitude Reporting Point; AK'' ((RIN2120–AA66) (Docket No. 06–AAL–17)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Norton Sound Low Offshore Airspace Area; AK'' ((RIN2120–AA66) (Docket No. 06–AAL–10)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Potosi, MO'' ((RIN2120–AA66) (Docket No. 06–ACE–14)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Adak, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–12)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace; Broomfield, CO'' ((RIN2120–AA66) (Docket No. 06–AWP–10)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wellington Municipal Airport, KS'' ((RIN2120–AA66) (Docket No. 06–ACE–44)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kaiser/Lake Ozark MO'' ((RIN2120–AA66) (Docket No. 06–ACE–6)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Willow, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–02)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–9)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Elko, NV'' ((RIN2120–AA66) (Docket No. 06–AWP–11)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Provo, UT'' ((RIN2120–AA66) (Docket No. 06–AWP–5)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kalispell, MT'' ((RIN2120–AA66) (Docket No. 05–ANM–15)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Pinedale, WY'' ((RIN2120–AA66) (Docket No. 05–ANM–17)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Eagle, CO'' ((RIN2120–AA66) (Docket No. 06–ANM–2)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mooresville, NC'' ((RIN2120–AA66) (Docket No. 06–ASO–8)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E2 Surface Area; Elko, NV'' ((RIN2120–AA66) (Docket No. 06–AWP–12)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Amendment of Class E Airspace; Leesburg, FL'' ((RIN2120–AA66) (Docket No. 06–ASO–3)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, MI'' ((RIN2120–AA66) (Docket No. 06–AGL–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Inspection Authorization Two-Year Renewal'' ((RIN2120–AI83) (Docket No. FAA–2007–27108)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1663. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Incorporation of EuroSID II Dummy Into 49 CFR Part 572'' (RIN2127–AI89) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1664. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Incorporation of SID–II's Side Impact Crash Test Dummy Into Part 572'' (RIN2127–AJ16) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1665. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (ID No. 032107B) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1666. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 032807A) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1667. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007'' (RIN0648–AT87) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1668. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Definition, Emergency Episode, and Monitoring Regulations'' (FRL No. 8300–5) received on April 18, 2007; to the Committee on Environment and Public Works.

EC–1669. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Revisions to the State of Hawaii Operating Permit Program'' (FRL No. 8303–5) received on April 18, 2007; to the Committee on Environment and Public Works.

EC–1670. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL No. 8122–8) received on April 23 , 2007; to the Committee on Environment and Public Works.

EC–1671. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Administrative Revisions to Plant-Incorporated Protectant Tolerance Exemptions'' (FRL No. 7742–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1672. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Peopixonazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8121–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1673. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Agreements and Superfund State Contracts for Superfund Response Actions'' (FRL No. 8306–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1674. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration and New Source Review'' (FRL No. 8305–1) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1675. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State Operating Permit Programs; Maryland; Revisions to the Acid Rain Regulations'' (FRL No. 8304–8) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1676. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the 'Major Emitting Facility' Definition'' ((RIN2060–AN77)(FRL No. 8301–4)) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Extension of Temporary Exhaust Emission Test Procedure Option for All Terrain Vehicles'' (FRL No. 8305–8) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1678. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Promulgation of Air Quality Implementation Plans; Ohio; Approval of Revision to Rescind Portions of the Ohio Transportation Conformity Regulations'' (FRL No. 8305–3) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1679. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products'' (FRL No. 8304–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning'' (FRL No. 8303–6) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1681. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Illinois Portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area'' (FRL No. 8304–1) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1682. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units'' ((RIN2060–AN97)(FRL No. 8304–8)) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1683. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2007'' (Rev. Rul. 2007–29) received on April 20, 2007; to the Committee on Finance.

EC–1684. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: S Corporation Shareholders Attempt to Transfer the Incidence of Taxation on S Corporation Income by Donating S Corporation Stock to a Tax Exempt Organization While Retaining the Economic Benefits Associated with the Stock'' (Notice 2004–30) received on April 20, 2007; to the Committee on Finance.

EC–1685. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Distressed Asset/Debt Tax Shelters'' (UIL No. 9300.99–05) received on April 20, 2007; to the Committee on Finance.

EC–1686. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, the Board's 2007 Annual Report; to the Committee on Finance.

EC–1687. A communication from the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds, transmitting, pursuant to law, the 2007 Annual Report of the Boards; to the Committee on Finance.

EC–1688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: National Median Gross Income Figures for 2007'' (Rev. Proc. 2007–31) received on April 24, 2007; to the Committee on Finance.

EC–1689. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2007–32) received on April 24, 2007; to the Committee on Finance.

EC–1690. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 relative to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1691. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (PA–147–FOR) received on April 25, 2007; to the Committee on Energy and Natural Resources.

EC–1692. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports for the period from February 28, 2007 to April 24, 2007 relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–1693. A communication from the Secretary of Labor, transmitting, the report of proposed legislation entitled ''Workforce Investment Act Amendments of 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–1694. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Allowances and Differentials'' (RIN3206–AL07) received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1695. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–37, ''Class Exclusion Standards Temporary Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1696. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–35, ''Retail Service Station Clarification Temporary Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1697. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–36, ''Quality Teacher Incentive Clarification Temporary Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1698. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–34, ''Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1699. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–33, ''Nonprofit Organizations Oversight Improvement Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1700. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–38, ''Public Education Reform Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1701. A communication from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Relief from Fingerprinting and Criminal History Records Check for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials or Other Property'' (AI04) received on April 17, 2007; to the Committee on Environment and Public Works.

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–71. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine memorializing the President 'and Congress to fulfill the intent to fund sixty percent of the costs of special education and to end unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-third Legislaure of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

Whereas, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

Whereas, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400. et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40 percent of the average per-pupil extenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assit the states; and

Whereas, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educatirg a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirement: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 60 percent of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honrable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–72. A resolution adopted by the Senate of the Legislature of the State of Michigan urging the Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 20

Whereas, in response to the need for heightened security measures following the 9–11 attacks, Congress enacted the Real ID Act in 2005. This legislation require the states to dramatically redesign their respective driver's licenses. Digital photos, proof of legal status, and centralized database capabilities will be required. The act and the Western Hemisphere Travel Initiative also greatly alter the documentation required from American citizens seeking reentry into this country; and

Whereas, as the deadlines for full compliance with the requirements of the Real ID Act approach, there remains a significant level of confusion over how the states can meet target dates and develop the necessary policies and technology. With the size and scope of the task of redesigning driver's licenses and increasing identification procedures in all 50 states, the current uncertainties are complicating our ability to make our homeland more secure; and

Whereas, as with any undertaking of this magnitude, there are major costs involved. At this point, however, there seems to be no comprehensive estimate of the overall economic impact of complying with the Real ID Act and the Western Hemisphere Travel Initiative; and

Whereas, the multiple issues involved in following the provisions of the Real ID Act and the Western Hemisphere Travel Initiative are vitally important in Michigan. With some of the world's busiest international crossing points, especially at the Detroit/Windsor border, Michigan has a strong stake in this transition proceeding smoothly and with all the information needed to do so: Now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Homeland Security, the Office of the President of the United States; the United States Secretary of State; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; the members of the Michigan congressional delegation; and the Michigan Secretary of State.

POM–73. A resolution adopted by the Senate of the Legislature of the State of Michigan memorializing the Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state driver's license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 21

Whereas, in response to the need for heightened security measures following the 9–11 attacks, Congress enacted the Real ID Act in 2005. This legislation requires the states to dramatically redesign their respective driver's licenses. Digital photos, proof of legal status, and centralized database capabilities will be required; and

Whereas, another component of recent federal legislation, the Western Hemisphere Travel Initiative, also greatly alters the documentation required from American citizens seeking reentry into this country. By January 1, 2008, for example, United Sates citizens may be required to show passports when they drive across the border from Canada; and

Whereas, with the new requirements of the Real ID Act, state driver's licenses would closely mirror passports not only in the way they are used by travelers, but also in providing a higher level of identification. There is an opportunity in this transition to explore the possibility of combining the secure technology of a passport into the driver's license and realizing significant savings without compromising the security that is the goal of the federal legislation; and

Whereas, with some of the busiest international crossing points in the world, Michigan is well-suited for a pilot project to develop a dual driver's license/passport. With $70 billion worth of commercial traffic and nearly 3 million visitors crossing the Michigan/Canadian border each year, including thousands crossing for their jobs each day, Michigan has an unsurpassed stake in how the Western Hemisphere Travel Initiative is implemented; and

Whereas, Michigan's Secretary of State is in strong support of the concept of exploring a dual purpose state driver's license/personal identification card. The impact of such a project here could reap widespread benefits for our entire country: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Department of State and the Department of Homeland Security to work with the Michigan Secretary of State to develop a pilot program in Michigan for a dual purpose state driver's license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Homeland Security, the Office of the President of the United States; the United States Secretary of State; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; the members of the Michigan congressional delegation; and the Michigan Secretary of State.

POM–74. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging the Florida Legislature to require Florida schools to provide information to 11- and 12-year old girls and their parents about the Human Papillomavirus, the vaccine against HPV, and Cervical Cancer that results from HPV; to the Committee on Health, Education, Labor, and Pensions.

POM–75. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging Congress to fully fund the local mandates included in the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

POM–76. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging the Florida Legislature to provide for creation of the Magic City Children's Zone Pilot Project; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007'' (Rept. No. 110–56).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 116. A resolution designating May 2007 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. Res. 125. A resolution designating May 18, 2007, as ''Endangered Species Day'', and

encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. Res. 146. A resolution designating June 20, 2007, as ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

S. Res. 162. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Colonel Travis D. Balch, 3742, to be Brigadier General.

Army nomination of Col. Stephen L. Jones, 5583, to be Brigadier General.

Air Force nomination of Col. Thomas J. Masiello, 8449, to be Brigadier General.

Air Force nomination of Brig. Gen. Thaddeus J. Martin, 2444, to be Major General.

Army nomination of Brig. Gen. William C. Kirkland, 4541, to be Major General.

Army nomination of Col. Gregory E. Couch, 8914, to be Brigadier General.

Navy nomination of Rear Adm. Jeffrey L. Fowler, 7245, to be Vice Admiral.

Army nomination of Lt. Gen. Martin E. Dempsey, 8511, to be Lieutenant General.

Army nominations beginning with Brigadier General Mari K. Eder and ending with Colonel James T. Walton, which nominations were received bythe Senate and appeared in the Congressional Record on March 22, 2007.

Marine Corps nomination of Maj. Gen. George J. Trautman III, 0849, to be Lieutenant General.

Navy nomination of Rear Adm. Harold D. Starling II, 4248, to be Vice Admiral.

Army nomination of Maj. Gen. William G. Webster, Jr., 9468, to be Lieutenant General.

Army nomination of Col. Mark J. MacCarley, 2185, to be Brigadier General.

Army nomination of Col. Daniel J. Nelan, 2853, to be Brigadier General.

Navy nomination of Capt. Michael A. Giorgione, 3106, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Thomas M. Angelo and ending with Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Thomas I. Anderson and ending with Mussaret A. Zuberi, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2007.

Air Force nomination of David J. Carrell, 8142, to be Colonel.

Air Force nomination of James G. Wolf, 6912, to be Lieutenant Colonel.

Air Force nomination of Craig L. Allen, 9804, to be Lieutenant Colonel.

Air Force nominations beginning with Brian L. Evans and ending with Duncan D. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Air Force nominations beginning with Robert W. Beadle and ending with Brent S. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Air Force nomination of Noana Issargrill, 4686, to be Major.

Army nomination of Melissa W. Jones, 9625, to be Lieutenant Colonel

Army nomination of Barbara J. King, 3425, to be Lieutenant Colonel.

Army nominations beginning with James F. Beck and ending with Kevin S. Mckiernan, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Army nominations beginning with Daniel L. Hurst and ending with George T. Talbot, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Army nominations beginning with Franklin M. Crane and ending with Gary T. Kirchoff, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Mark W. Crumpton and ending with D060629, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Thomas Brooks and ending with Deborah C. Warren, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Damon T. Arnold and ending with Gijsbertus F. Vanstaveren, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nomination of D060461, to be Lieutenant Colonel.

Army nomination of Bernadine F. Peletzfox, 0166, to be Major.

Army nomination of D060470, to be Major.

Army nomination of Josef Rivero, 5036, to be Major.

Army nomination of Stephen J. Velez, 5317, to be Major.

Army nominations beginning with Kirk O. Austin and ending with Lee W. Smithson, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2007.

Army nominations beginning with Craig E. Bennett and ending with Darlene M. Shealy, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2007.

Marine Corps nomination of Charles E. Parham, Jr., 7703, to be Lieutenant Colonel.

Marine Corps nominations beginning with Eduardo A. Abisellan and ending with Joseph J. Zarba, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007. (minus 1 nominee: Kevin M. Gonzalez)

Marine Corps nominations beginning with Aaron D. Abdullah and ending with Scott W. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Marine Corps nomination of Jason K. Fettig, 7799, to be Major.

Marine Corps nomination of Michael J. Colburn, 2511, to be Colonel.

Navy nomination of Brian D. Petersen, 1675, to be Captain.

Navy nomination of Stanley R. Richardson, 8043, to be Captain.

Navy nominations beginning with Benjamin Amdur and ending with David M. Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Kirsten R. Martin and endingwith Richard V. Timme, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Coast Guard nominations beginning with Brooke E. Grant and ending with Maria A. Ruttig, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington.

John Roberts Hackman, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1213. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

By Mr. AKAKA:

S. 1215. A bill to amend title 38, United States Code, to extend and improve certain authorities of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. SALAZAR, Mr. SCHUMER, Mr. KENNEDY, Mr. DURBIN, and Mr. BROWN):

S. 1217. A bill to enhance the safety of elementary schools, secondary schools, and institutions of higher learning; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 1218. A bill to provide quality, affordable health care for all Americans; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1220. A bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2007 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Finance.

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 1224. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. SMITH, and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD):

S. Res. 171. A resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. WEBB):

S. Res. 172. A resolution commemorating the 400th Anniversary of the settlement of Jamestown; considered and agreed to.

ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 358

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. BOND, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 430, supra.

S. 573

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 579

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 648, a bill to amend title 10,

United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 651

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. DODD) 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.

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 761, supra.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BOND) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1181

At the request of Mr. OBAMA, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 146

At the request of Mr. ALEXANDER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 146, a resolution designating June 20, 2007, as ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

AMENDMENT NO. 941

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 941 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

AMENDMENT NO. 942

At the request of Mr. KOHL, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 942 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 942 proposed to S. 761, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2007, important legislation that promotes awareness and prevention of Shaken Baby Syndrome, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System (NCANDS) almost 900,000 children were victims of abuse and neglect in 2005. More than four children die every single day as a result of abusive maltreatment in this country. Babies are particularly vulnerable; in 2005, children aged 12 months or younger accounted for nearly 42 percent of all child abuse and neglect fatalities and children under age 3 accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under-reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the Upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many States educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2007, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need.

Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia from New York, Hannah from California, Sarah from New York, Kierra from Nevada, Miranda from Pennsylvania, Taylor from Illinois, Cassandra from Arizona, Gabriela from Florida, Amber from New York, Bennett from Missouri, Jamison from Florida, Maggie from Texas, Dalton from Indiana, Stephen from Texas, Kaden from Washington, Joseph from Texas, Dawson from Pennsylvania, Macie from Minnesota, Jake from Maine, Benjamin from Michigan, Chloe from New Mexico, Madison of Oklahoma, Peanut from Texas, Nykkole from Minnesota, Gianna from Rhode Island, Brynn from Washington, Rachael from Texas, Jack from Maryland, Ryan from Virginia, David from California, Reagan from Virginia, Skipper from New York, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

I ask unanimous consent that a list of groups supporting this resolution be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING THE SHAKEN BABY SYNDROME PREVENTION ACT OF 2007

American Association of Neurological Surgeons; American Professional Society on the Abuse of Children; American Psychological Association; The Arc of the United States; Association of Maternal and Child Health Programs; Association of University Centers on Disabilities; Brain Injury Association of America; Center for Child Protection and Family Support; Child Welfare League of America; Children's Defense Fund; Children's Healthcare is a Legal Duty; Congress of Neurological Surgeons; The Connecticut Children's Trust Fund; Council for Exceptional Children; Cynthia Gibbs Foundation; Division for Early Childhood of the Council for Exceptional Children; Easter Seals; Epilepsy Foundation; Fight Crime: Invest in Kids; and The G.E.M. Child Protection Foundation.

Hannah Rose Foundation; IDEA Infant Toddler Coordinators Association; Kierra Harrison Foundation; Lifetime Family Resource Center, Inc.; Massachusetts Citizens for Children; The Multidisciplinary Pediatric Education and Evaluation Consortium; National Association of Child Care Resource & Referral Agencies; National Association of Children's Hospitals; National Association of State Head Injury Administrators; National Center for Learning Disabilities; National Center on Shaken Baby Syndrome; National Child Abuse Coalition; National Family Partnership; National Respite Coalition; National Shaken Baby Coalition; National Shaken Baby Syndrome Nursing Network; Parents Anonymous; Pennsylvania Shaken Baby Syndrome Prevention and Awareness Program; Prevent Child Abuse America; Shaken Baby Association; Shaken Baby Prevention, Inc.; Shaking Kills: Instead Parents Please Educate and Remember Initiative (SKIPPER); United Cerebral Palsy; and Upstate New York Shaken Baby Syndrome Prevention and Awareness Program.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans' service organizations and other veterans' groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SMITH. Mr. President, I rise today to introduce the Heroes Helping Heroes Demonstration Program of 2007, along with my distinguished colleague from Iowa, Senator HARKIN. I ask unanimous consent that the text of this bill be printed in the RECORD.

Our intention is to expand the use of peer-support approaches to assist the reintegration of America's veterans as they return from active duty to their homes and communities. We hope that this legislation will demonstrate the effectiveness of peer-support approaches and ease the burden of the social, economic, medical and psychological struggles our veterans face.

Deployed soldiers face extreme stress and at times devastating injuries. Left untreated, this stress can have devastating impact on soldiers and their families. Army researchers have found that alcohol misuse went from 13 percent among soldiers to 21 percent one year after returning from Iraq and Afghanistan. It also has been found that soldiers with anger and aggression issues increase from 11 percent to 22 percent after deployment. Furthermore, the best studies to date have shown that up to one-third of our current war veterans are coping with a serious mental health problem, most notably Post Traumatic Stress Disorder (PTSD).

In addition to these personal struggles, returning soldiers also face serious social and economic challenges. Data from the U.S. Bureau of Labor Statistics indicates that unemployment among soldiers returning to civilian life is 15 percent—three times the national average. Those soldiers planning to divorce their spouse rose from nine percent to 15 percent after time spent in the combat zone. Unfortunately, as more troops are deployed, deployments are extended and breaks between deployments become shorter these problems will only become more prevalent.

At present, the Department of Defense and the Department of Veterans Affairs are struggling to meet the needs of returning veterans. Situations like those recently uncovered at Walter Reed Hospital demonstrate a health care system stretched to its limits. Furthermore, it would require significant additional resources to build up traditional service organizations and approaches to be sufficient to deal with these serious problems.

I have risen on this floor many times to speak about the need to adequately address the mental health and physical health needs of our citizens. However, there has never been a case when the responsibility and duty of this body and our country has been clearer than the duty to aid our veterans who have sacrificed their bodies, minds and lives for this country.

Fortunately, ''peer-support'' approaches offer a low cost and effective adjunct to traditional services by allowing the heroes of our country to help each other. Veteran peer-support offers two things that no kind of professionalized service can ever hope to: the support of someone who has had the same kinds of experiences and truly understands what the veteran is going through; and the potential of a large pool of experienced volunteers who can assist and support returning veterans at very little cost.

The effectiveness of these approaches has been documented in a variety of domains. Specifically, for mental health disorders like PTSD and depression, peer-support programs have shown that participation yields improvement in psychiatric symptoms and decreased hospitalizations, the development of larger social support networks, enhanced self-esteem and social functioning, as well as lower services costs. The Substance Abuse and Mental Health Service Administration (SAMHSA), and even the President's New Freedom Commission on Mental Health, have recognized peer-support approaches as an emerging best practice that is helping people recover from traumatic events.

Although the peer-support approach is promising, the need for this type of assistance is growing and far exceeds the services that are available. A report from the National Symposium for the Needs of Young Veterans hosted by AMVETS recognized this need in Voices for Action: A Focus on the Changing Needs of America's Veterans.

The legislation that I am introducing today requires the Veterans Administration to create a pilot project. This project would demonstrate and assess the feasibility of funding community based veterans' organizations and groups to create and expand peer-support programs for veterans. It also authorizes $13.5 million over three years for this program. These funds will be used to support the development or expansion of peer-support programs in up to 20 non-profit organizations that support the reintegration of veterans on a local and national level.

The use of peer-support approaches is supported by veterans, veterans' organizations and mental health professionals. I ask for unanimous consent to include in the record the following letters from the Iraq and Afghanistan Veterans of America, Disabled American Veterans, the National Coalition for Homeless Veterans, Vets4Vets and the American Psychological Association.

I am pleased that Senator HARKIN has joined me in this effort. Our legislation is an important step to expand and improve the support available to our veterans and their transition back to community life. We hope that this bill will continue to focus attention on the needs of our veterans who have given so much to their country.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1205

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

SECTION 1. PILOT PROGRAM ON ASSISTING VETERANS ORGANIZATIONS IN FACILITATING COMMUNITY REINTEGRATION OF VETERANS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to demonstrate and assess the feasibility and advisability of delivering community reintegration support and services to veterans by assisting veterans organizations in developing and promoting peer support programs for veterans.

(2) DESIGNATION.—The pilot program required by paragraph (1) shall be known as the ''Heroes Helping Heroes Program''.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on October 1, 2007.

(c) SELECTION OF PILOT PROGRAM PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall select not more than 20 eligible entities to participate in the pilot program.

(2) APPLICATION.—Each eligible entity seeking to participate in the pilot program shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall require.

(3) SELECTION.—The Secretary shall select participants in the pilot program from among the applicants under paragraph (1) that the Secretary determines—

(A)(i) have existing peer support programs that can be expanded or enhanced, and resources, for the delivery of community reintegration support and services to veterans (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; or

(ii) have the capacity, including the skill and resources necessary, to develop and maintain new peer support programs for the delivery of community reintegration support and services (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; and

(B) have a plan to continue such peer support programs after the pilot program ends.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to pilot program participants to develop and promote peer support programs that deliver community reintegration support and services for veterans.

(2) AMOUNT.—The Secretary shall ensure that the average amount of the grant awarded under paragraph (1) to a pilot program participant is not more than $300,000 and not less than $100,000 per fiscal year.

(3) MATCHING FUNDS.—A recipient of a grant under paragraph (1) shall contribute towards the development and promotion of peer support programs that deliver community reintegration support and services to veterans an amount equal to not less than ten percent of the grant awarded to such recipient.

(4) DURATION.—The duration of any grant awarded under paragraph (1) may not exceed three years.

(e) USE OF FUNDS.—A grant awarded to a pilot program participant pursuant to subsection (d) shall be used by the pilot program participant for costs and expenses connected with the development and promotion of peer support programs that deliver community reintegration support and services to veterans, including costs and expenses of the following:

(1) Program staff or a coordinator of volunteers, but not more than 50 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(2) Consultation services, but not more than 20 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(3) Program operations, including costs and expenses relating to the following:

(A) Advertising and recruiting.

(B) Printing.

(C) Training of volunteers, veterans, and staff.

(D) Incentives, such as food and awards.

(E) Overhead expenses, but not more than ten percent of such grant award may be used for such purposes.

(f) TECHNICAL ASSISTANCE.—In addition to the award of grants under subsection (d), the Secretary shall provide technical assistance to pilot program participants to assist them in developing and promoting peer support programs that deliver community reintegration support and services to veterans.

(g) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a veterans service organization;

(B) a not-for-profit organization—

(i) the primary mission of which is to assist veterans;

(ii) that has been in continuous operation for at least 12 months; and

(iii) is not a veterans service organization; or

(C) a partnership between an organization described in subparagraph (A) or (B) and an organization that is not described in subparagraph (A) or (B).

(2) PILOT PROGRAM PARTICIPANT.—The term ''pilot program participant'' means an eligible entity that is selected by the Secretary, in accordance with subsection (c), to participate in the pilot program under this section.

(3) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs to carry out this section, $4,500,000 for each of fiscal years 2008, 2009, and 2010.

IRAQ AND AFGHANISTAN VETERANS OF AMERICA,
April 10, 2007.

Hon. GORDON SMITH,
404 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GORDON SMITH: Only a veteran can truly understand the story of another veteran. When a servicemember returns home from a combat zone they are subjected to a myriad of transitional issues; finding a new job, reconnecting with family, and mostly important, learning about the person they have become. We must find creative ways to reach out and connect these returning heroes with people who understand their story.

The Heroes Helping Heroes Program is a Demonstration Project which seeks to aid existing veterans' service organizations and other non-profit organizations that currently work with veterans in the development and promotion of peer support programs across America. Iraq and Afghanistan Veterans of America (IAVA) strongly endorses the Heroes Helping Heroes Program as a creative attempt to connect returning veterans with other veterans.

This program will bolster existing local veterans support organizations by offering grants, allowing them to expand services at the fraction of the cost of starting new programs. Heroes Helping Heroes will help fulfill the government's duty to assist our service men and women who fulfilled their solemn duty to serve.

Sincerely,

PAUL RIECKHOFF,
Executive Director.

VETS4VETS,
Tucson, AZ, April 4, 2007.

TO WHOM IT MAY CONCERN: Vets4Vets is proud to endorse Senator Gordon Smith's bill setting up a pilot program to encourage peer support programs for Iraq-era veterans.

Vets4Vets is a non-partisan peer support program, staffed almost exclusively by Iraq-era veterans and dedicated to helping Iraq and Afghanistan era veterans feel good about themselves and heal from any negative aspects of service and war. In our weekend workshops, one-on-ones, and local groups, Vets4Vets allows veterans to take equal and uninterrupted turns sharing their experiences and expressing their feelings in a truly confidential setting. To further promote healing Vets4Vets encourages service men and women to take part in positive community action of their choosing that empowers them to reach out to other veterans.

Over 200 Iraq-era veterans have taken part in one or more of our nine weekend workshops in the last year in various parts of the country. Almost all of them have been combat veterans. Many of them are now actively reaching out to their peers to set up local peer support groups. There are already groups meeting in a half dozen or so cities around the country.

As would be expected from the existing body of research on peer support programs, these veterans universally enjoyed the program and report significant improvement in their lives.

We urge Members of Congress to support this bill and the peer support programs for Iraq-era veterans which it will encourage.

Sincerely,

ABEL MORENO,
Former Sergeant 82nd Airborne with tours in Iraq and Afghanistan; Vets4Vets Media and Local Outreach Coordinator.

JASON RIDOLFI,
Former Sergeant, USMCR with two tours in Iraq; Vets4Vets Internet Outreach Coordinator.

NATIONAL COALITION FOR HOMELESS VETERANS,
Washington, DC, April 11, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The National Coalition for Homeless Veterans (NCHV) writes to express our support for your bill, which would establish a demonstration project entitled ''Heroes Helping Heroes Program.'' The project would provide expanded peer support services for veterans through veteran service organizations and other non-profit community-based organizations that serve veterans.

Established in 1990, NCHV is a nonprofit organization with the mission of ending homelessness among veterans by shaping public policy, promoting collaboration, and building the capacity of service providers. NCHV's membership of over 250 community based organizations (CBOs) in 48 states and the District of Columbia provides housing and supportive services to homeless veterans and their families.

The Department of Veterans Affairs (VA) reports an estimated 400,000 veterans experience homelessness at some time during a year, and 200,000 are homeless on any given night. With the VA reaching only 25 percent of the homeless veteran population and CBOs 30 percent of those in need, a substantial number of homeless veterans undoubtedly do not receive much needed services. Moreover, because some areas of our country have no community based organizations or VA facilities nearby, other programs that serve veterans are needed.

Findings from a survey conducted by NCHV in November 2005 suggest the homeless veteran population in America may be experiencing significant changes. In addition to those who are aging and need permanent supportive housing, the percentage of women veterans seeking services is growing. Moreover, combat veterans of Operation Iraqi Freedom, Operation Enduring Freedom and the Global War on Terror are returning home and suffering from war related conditions that may put them at risk for homelessness. These men and women are beginning to trickle into the Nation's community-based homeless veteran service provider organizations and need a variety of services—from mental health programs and peer support to housing, employment training and job placement assistance. The Heroes Helping Heroes program will serve as a starting point to help these returning heroes address their many needs.

NCHV supports your efforts and leadership on behalf of our nation's veterans. Thank you for providing an opportunity to help them successfully reintegrate back into civilian life.

Sincerely,

CHERYL BEVERSDORF,
President and CEO.

DISABLED AMERICAN VETERANS,
March 28, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Disabled American Veterans (DAV), I am writing with regards to the legislation that would create the ''Heroes Helping Heroes Program.''

As you know, active duty service members sometimes have difficulty making the transition back to civilian life. This is particularly true for our injured service members and service members who served in combat. For some severely-disabled veterans of Operations Iraqi and Enduring Freedom, the success of becoming a productive member of society will be measured by their ability to live independently and achieve the highest quality of life possible.

Your legislation seeks to help veterans reintegrate into their communities by authorizing the Department of Veterans Affairs to create a pilot program to assist in the development and capitalization of peer support programs. While DAV does not have a resolution from our membership to actively support this legislation, its purpose appears beneficial and we would not be opposed to the favorable consideration of this bill.

The DAV sincerely appreciates your efforts and commitment to improve the lives of our nation's sick and disabled veterans, their dependents and survivors.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
April 4, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND HARKIN: On behalf of the American Psychological Association (APA) and our 148,000 members and affiliates; I am writing to thank you for your leadership in legislative efforts to promote the reintegration of America's veterans as they return from active duty to their homes and communities.

Deployed soldiers face unique risks and experience stress and at-times devastating injuries. Left untreated, the attendant mental health problems can severely restrict veterans' lives and their ability to reconnect to family, work, and social relationships. In their most tragic forms, such problems can also lead to marital dissolution, the abuse of alcohol and other drugs, and suicide. At present, the Department of Defense (DoD) and the Department of Veterans Affairs (VA) are striving to meet the mental health treatment. needs of returning veterans. It is imperative that we redouble our efforts to aid our veterans who served in Iraq and Afghanistan and are suffering from post-traumatic stress disorder and other mental health problems.

Your proposed bill, which would establish a demonstration project entitled ''the Heroes Helping Heroes Program,'' would provide expanded peer support services for veterans through veterans service organizations and other non-profit community-based organizations that serve veterans. Through peer support programs, veterans help one another to cope with the trauma of combat experience, the mental anguish that comes from debilitating physical injury, and the difficulties of readjusting to a civilian mindset and the rhythms of daily life. Such programs are highly effective in providing needed support to veterans, as we know from the veterans readjustment counseling centers currently run by the VA.

In closing, I thank you once again for your efforts and leadership on behalf of our nation's veterans.

Sincerely,

NORMAN B. ANDERSON, Ph.D.,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I am pleased to join with the distinguished Senator from Oregon, Senator SMITH, to introduce the Heroes Helping Heroes Act, to expand the availability of peer support programs for veterans.

As our military personnel return from combat, they face daunting challenges in transitioning back to civilian life. They have to deal with family issues arising from their long absence from home. They have to find new employment. They also have to cope with separation from their close friends. After spending many months if not years with the men and women in their unit—sharing intense wartime experiences and looking out for each other—they may not find that same close support when they return.

In addition, many members of our Armed Forces have endured tremendous stress during combat, which can trigger severe mental health issues after they have returned home. Research shows that one in three veterans of the war in Iraq, and one in nine veterans of the war in Afghanistan, are coping with a serious mental health problem, including depression, substance abuse, and/or post-traumatic stress disorder (PTSD). Untreated and under-treated stress exposure for soldiers results in a higher incidence of suicide, higher divorce rates, and higher rates of drug or alcohol abuse. Additionally, there have been almost 25,000 non-fatal American casualties. Such injuries often have serious impacts on the ability of transitioning veterans to reintegrate into their home and community life.

Currently, VA facilities are overwhelmed by the sheer number of veterans who need assistance. The Government Accountability Office (GAO) reported that many VA medical facilities are unprepared to care for the mental health needs of the number of veterans who will need services. Peer support approaches offer a low-cost and effective supplement to traditional services by allowing veterans to help each other. In peer support programs, transitioning veterans can talk to someone who had similar experiences and understands what they are going through. Veteran peer counselors who are trained to provide support and refer for services when necessary can provide outreach to other veterans and assist in a smooth transition back to civilian life.

The Heroes Helping Heroes program will allow veterans' service organizations to develop or expand peer support programs. Veterans' service organizations and other non-profits that serve veterans are well-equipped to provide such peer support programs. Given that the VA is stretched to capacity, these organizations are able to run such programs in addition to mental health services provided by professional counselors.

The Substance Abuse and Mental Health Service Administration (SAMSHA) and the President's New Freedom Commission on Mental Health have recognized peer support approaches as an emerging best practice in helping people to recover from traumatic events. Research has found that peer support programs are effective in alleviating PTSD symptoms and depression, reducing the likelihood of hospitalization, and increasing social support.

When members of our Armed Forces come home from war, this does not necessarily mean that the war is over for them. Many continue to carry physical and psychological wounds and scars. We have a profound moral contract to care for those who have fought for our country and sacrificed so much. One additional way to make good on that contract in a cost-effective way is to expand the availability peer support programs nationwide. To that end, I urge my colleagues to join with Senator SMITH and me in sponsoring the Heroes Helping Heroes Act.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women's Christian Association's Retirement Fund.

The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users.

Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure.

Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is partially a defined benefit plan, and partially a defined contribution plan.

Recently, some employers have transformed their traditional defined benefit pension plans into various types of ''hybrid'' plans, and in the process, some have reduced the rate at which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established in 1924.

The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local

YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of a lawsuit could cause local YWCAs to end their participation in this plan.

This legislation merely delineates many of the unique characteristics of the YWCA pension plan and clarifies what age discrimination standard applies to the plan with respect to any future legal claim. This bill protects participants from being treated differently on the basis of age, while eliminating the potential crippling legal threat that currently exists.

Legislation was enacted in 2004—Public Law 108–476—to clarify the legal status of the YMCA pension plan, a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is time to protect the pension plan serving our YWCAs.

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. 1206

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 ''Young Women's Christian Association Pension Clarification Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Young Women's Christian Association Pension Plan is a multiple employer plan (subject to the requirements of section 210 of the Employee Retirement Income Security Act of 1974) which is maintained by a corporation created by State law prior to the enactment of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 and whose primary purpose is the maintenance of retirement programs.

(2) No applicable plan amendment, as defined in clause (v) of section 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(v)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 982)) and clause (v) of section 4(i)(10)(B) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(v)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 986)), or any applicable plan amendment causing a participant's accrued benefit to be less than the amount described in clause (iii) of such section 204(b)(5)(B) or clause (iii) of such section 4(i)(10)(B), has ever been made to the Young Women's Christian Association Pension Plan.

(3) Under the terms of the Young Women's Christian Association Pension Plan, as in effect as of June 29, 2005, all pension benefits of all participants under the plan are immediately nonforfeitable.

(4) As of April 25, 2007, the Young Women's Christian Association Pension Plan provides—

(A) for periods including June 29, 2005, and ending on or before December 31, 2007, a credit to the account of each participant equal to 40 percent of the pay credit provided to such participant and interest credits determined for each plan year at the average of the annual rates of interest on 10-year Treasury securities during a designated period in the preceding plan year, and

(B) for periods beginning on or after January 1, 2008, interest credits which satisfy the requirements of section 204(b)(5)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(i)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 981)) and section 4(i)(10)(B))(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 989)).

(b) PURPOSE.—The purpose of this Act is to clarify the age discrimination rules under section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 and section 4(i)(1) of the Age Discrimination in Employment Act of 1967, as they relate to periods prior to June 29, 2005, during which violations of such rules are alleged to have occurred in civil actions commenced on or after April 25, 2007.

SEC. 3. CLARIFICATION OF AGE DISCRIMINATION RULES.

(a) IN GENERAL.—In the case of any civil action which—

(1) is commenced on or after April 25, 2007, and

(2) alleges a violation of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)) or section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)) occurring before June 29, 2005, with respect to any benefit provided under the Young Women's Christian Association Pension Plan,

such sections 204(b)(1)(H) and 4(i)(1) shall be applied as if paragraph (5) of section 204(b) of the Employee Retirement Income Security Act of 1974 (as added by section 701(a)(1) of the Pension Protection Act of 2006 (29 U.S.C. 1054(b)(5); 120 Stat. 981) and paragraph (10) of section 4(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10); 120 Stat. 998) applied to any period in which such alleged violation occurred.

(b) YOUNG WOMEN'S CHRISTIAN ASSOCIATION PENSION PLAN.—For purposes of this Act, the term ''Young Women's Christian Association Pension Plan'' means the defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) established on January 1, 1926, and maintained by the Young Women's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled Giving Reductions to Energy Efficient New Buildings, the GREEN Buildings Act. This bill will extend the energy efficient building tax deduction from December 31, 2008 until December 31, 2013. This bill will also increase the tax deduction from $1.80 to $2.25 per square foot.

Our Nation is diligently searching to find the long-term solutions to global warming and, how to reduce our carbon foot print. As Congress continues to search for these solutions, we must continue to provide incentives to those who have the knowledge and resources to make an impact now. Congress understands the impact 'green buildings' have on reducing our Nation's energy consumption and carbon emissions. That is why in the Energy Policy Act of 2005 we created a tax deduction for energy efficient buildings. Unfortunately, that deduction will expire on December 31, 2008. Congress must not allow this deduction to expire. Building energy efficient buildings is one of the key things being done right now to reduce carbon dioxide emissions as well as reduce our Nation's energy consumption.

Commercial buildings are a substantial part of our Nation's energy consumption and can be a key to reducing demand for electricity. These buildings are responsible for 40 percent of total U.S. energy consumption, they use 70 percent of the nation's electricity and they are accountable for 40 percent of the U.S. carbon dioxide emissions. They are a major piece to enabling our Nation's energy independence and to solving the global warming puzzle and Congress must not overlook them or leave them out.

The average life-span of a commercial building is 75 years. We must use our resources, to build energy-efficient buildings today and make these buildings truly ready for the future. One way to do so is to provide incentives to those who are willing to step up to the plate and accept the challenge.

Another benefit from building energy efficient or green buildings is that they also improve our health. Americans spend about 90 percent of their time indoors. The concentration of indoor pollutants is sometimes 10 to 100 times more than outdoor pollutants increasing the frequency of illnesses and ailments.

Researchers have proven that employees who are exposed to more sunlight are more productive workers. They have proven that by changing the carpets on the floor and paint on the walls workers have less respiratory ailments. These are simple things that can be done to increase employees' health and their productivity and our nation's overall success.

Our Nation is doing a good job of researching and developing new technologies to reduce our dependence on foreign energy and to combat global warming, and Congress has helped move these technologies along by providing incentives in the way of tax deductions. Unfortunately, many of these incentives have an expiration date that expires too soon to provide the help it is intended to provide. Congress needs to keep these incentives intact and provide stability so companies and investors can be assured of their investment. In turn, maintaining these incentives will advance our Nation's energy independence and reduce our carbon dioxide emissions—two very important goals. I urge my fellow Senators to support this sensible and much needed tax incentive. We don't have another 75 years to wait.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation called the ''Social Security Account Number Protection Act'' that would restrict the ability of companies to sell or purchase Social Security numbers.

Let me describe why this legislation is so necessary.

On February 15, 2005, Georgia-based data warehouser ChoicePoint disclosed that it had compromised the private customer data of 145,000 individuals. Criminals posing as legitimate small business people had purchased files on about 145,000 people, some of whom were later defrauded.

One of the critical pieces of information that ChoicePoint sold to these criminals was Social Security numbers. That's Social Security numbers of 145,000 people in all 50 states.

Here is a statistic that I found incredible: Choice Point has 17,000 business ''customers'' for such information. Can you imagine your Social Security number potentially being sold to 117,000 businesses? And that's just one of the companies that was selling databases that included Social Security numbers at the time.

I bet that most Americans were surprised to find out that it was perfectly legal for companies to sell their Social Security numbers to tens of thousands of other companies. If you took a national survey and asked Americans this question: ''Do you think that private companies should have the ability to purchase and sell your Social Security number?'' I assure you that the answer would overwhelmingly be ''no.''

In the 109th Congress, when the Senate Commerce Committee marked up S. 1408, the ID Theft Protection Act, I offered an amendment that very simply said that it should be illegal to sell or purchase Social Security numbers.

This as a commonsense amendment, and it passed unanimously. The ID Theft Protection Act was reported by the Commerce Committee in December 2005, but the bill did not make it to the Senate floor.

But the problem of ID theft has not gone away. In its most recent survey, the Better Business Bureau estimated that approximately 8.9 million Americans were victims of identity theft in 2006. The total U.S. annual identity fraud cost is an estimated $52.6 billion per year.

We will shortly be marking up another ID theft bill in the 110th Congress, through the Commerce Committee. The bill the Commerce Committee is considering now does not have provisions restricting the sale or purchase of Social Security numbers, and I intend to offset an amendment to fix that, with the language that I am introducing as standalone legislation today.

I should note that the FTC issued a report on ID theft just this month, which emphasized the importance of protecting Social Security numbers.

The FTC report said the following about Social Security numbers: ''Consumer information is the currency of identity theft, and perhaps the most valuable piece of information for the thief is the SSN. The SSN and a name can be used in many cases to open an account and obtain credit or other benefits in the victim's name.''

In fact elsewhere in the report, the FTC underscored that Social Security numbers are ''the most valuable commodity for an identity thief.''

One of the FTC's top recommendations was that federal agencies should reduce the unnecessary use of Social Security numbers.

And it's clear that the FTC heard from many Americans who were unhappy with the widespread overuse of Social Security numbers. Indeed, the FTC report notes that one of the main concerns that Americans have in protecting their identity is ''the overuse of Social Security numbers as identifiers.''

It stands to reason that the more that Social Security numbers are sold from one business to another for marketing and other commercial purposes, the greater the chance that the numbers will be lost, misplaced, stolen, leaked, or otherwise fall into the wrong hands.

Now, I'll be the first to recognize that there are some instances where the use of Social security numbers is appropriate. So my amendment has a number of reasonable exceptions to the prohibition on the sale of Social Security numbers, for purposes such as national security, public health, law enforcement, administration of federal or state tax laws, credit reporting agencies, prevention and investigation of ID theft, and tracking of missing and abducted children.

What's more, my bill allows an ''opt-in'' clause. That is, it allows individuals, if they so choose, to agree in writing to have their Social Security number sold or purchased by others—provided the individual provides his affirmative consent, and the individual is not obligated to provide the Social Security number as a condition for conducting a transaction.

I think these are reasonable exemptions.

I should add that in the 109th Congress, Senators SPECTER and LEAHY also introduced S. 1332, a bill that similarly restricts the sale of Social Security numbers.

So this is a bipartisan concept, and I hope that my legislation will have bipartisan support when it reaches the floor of the U.S. Senate.

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. 1208

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 ''Social Security Account Number Protection Act''.

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF UNNECESSARY SOLICITATION OF SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Unless there is a specific use of a social security account number for which no other identifier reasonably can be used, a covered entity may not solicit a social security account number from an individual except for the following purposes:

(A) For use in an identification, verification, accuracy, or identity proofing process.

(B) For any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)).

(C) To comply with the requirement of Federal, State, or local law.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the solicitation of a social security account number—

(A) for the purpose of obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.),

(B) by a consumer reporting agency for the purpose of authenticating or obtaining appropriate proof of a consumer's identity, as required under that Act;

(C) for any purpose permitted under section 502(e) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)); or

(D) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of an individual's identity;

(E) to identity or locate missing or abducted children, witnesses, criminals, fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs;

(F) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, provided that the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes.

(b) PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY NUMBERS ON EMPLOYEE IDENTIFICATION CARDS, ETC.—

(1) IN GENERAL.—A covered entity may not display an individual's security account number (or any derivative of such number) on any card or tag that is commonly provided to employees (or to their family members), faculty, staff, or students for purposes of identification.

(2) DRIVER'S LICENSES.—A State may not display the social security account number of an individual on driver's licenses issued by that State.

(c) PROHIBITION OF PRISONER ACCESS TO SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual who is confined in a jail, prison, or other penal institution or correctional facility, serving

community service as a term of probation or parole, or serving a sentence through a work-furlough program.''.

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(A) prisoners employed as described in clause (x) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by paragraph (1), on the date of enactment of this Act: and

(B) contracts described in such clause in effect on such date,

the amendment made by paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(d) PROHIBITION OF SALE AND DISPLAY OF SOCIAL SECURITY NUMBERS TO THE GENERAL PUBLIC.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to sell, purchase, or provide a social security account number, to the general public or display to the general public social security account numbers; or

(B) to obtain or use any individual's social security account number for the purpose of locating or identifying such individual with the intent to physically injure or harm such individual or using the identity of such individual for any illegal purpose.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), and subject to paragraph (3), a social security account number may be sold, provided, displayed, or obtained by any person—

(A) to the extent necessary for law enforcement or national security purposes;

(B) to the extent necessary for public health purposes;

(C) to the extent necessary in emergency situations to protect the health or safety of 1 or more individuals;

(D) to the extent that the sale or display is required, authorized, or permitted under any law of the United States or of any State (or political subdivision thereof);

(E) for any purposes allowed under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e));

(F) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of the individual's identity;

(G) to the extent necessary to identify or locate missing or abducted children, witnesses to an ongoing or potential civil or criminal lawsuit, criminals, criminal suspects, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, missing heirs, and for similar legal, medical, or family related purposes, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(H) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(I) to the extent the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business; or

(J) to the extent necessary for research (other than market research) conducted by an agency or instrumentality of the United States or of a State or political subdivision thereof (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that—

(i) the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals;

(ii) information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

(iii) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure; or

(K) to the extent that the transmission of the social security account number is incidental to the sale or provision of a document lawfully obtained from—

(i) the Federal Government or a State or local government, that the document has been made available to the general public; or

(ii) the document has been made available to the general public via widely distributed media.

(2) LIMITATION.—Paragraph (1)(K) does not apply to information obtained from publicly available sources or from Federal, State, or local government records if that information is combined with information obtained from non-public sources.

(3) CONSENSUAL SALE.—Notwithstanding paragraph (1), a social security account number assigned to an individual may be sold, provided, or displayed to the general public by any person to the extent consistent with such individual's voluntary and affirmative written consent to the sale, provision, or display of the social security account number only if—

(A) the terms of the consent and the right to refuse consent are presented to the individual in a clear, conspicuous, and understandable manner;

(B) the individual is placed under no obligation to provide consent to any such sale or display; and

(C) the terms of the consent authorize the individual to limit the sale, provision, or display to purposes directly associated with the transaction with respect to which the consent is sought.

SEC. 3. ENFORCEMENT.

(a) ENFORCEMENT BY COMMISSION.—Except as provided in subsection (c), this Act shall be enforced by the Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced exclusively under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611) by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), insured State branches of foreign banks by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation by the Director of the Office of Thrift Supervision;

(2) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration Board with respect to any Federal credit union;

(3) the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to—

(A) a broker or dealer subject to that Act;

(B) an investment company subject to the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

(C) an investment advisor subject to the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.); and

(4) State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled.

(d) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (c) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (c), each of the agencies referred to in that subsection may exercise, for the purpose of 2enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(e) OTHER AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(f) COMPLIANCE WITH GRAMM-LEACH-BLILEY ACT.—

(1) NOTICE.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and gives notice in compliance with the notification requirements established for such covered entities under title V of that Act is deemed to be in compliance with section 3 of this Act.

(2) SAFEGUARDS.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and fulfills the information protection requirements established for such entities under title V of the Act and under section 607(a) of the Fair Credit Reporting Act (15 U.S.C. 1681e(a)) to protect sensitive personal information shall be deemed to be in compliance with section 2 of this Act.

SEC. 4. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Except as provided in section 3(c), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate state or district court of the United States to enforce the provisions of this Act, to obtain damages, restitution, or other compensation on behalf of such residents, or to obtain such further and other relief as the court may deem appropriate, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a covered entity that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission (or other appropriate Federal regulator under section 3) of any civil action under subsection (a) at least

60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission (or other appropriate Federal regulator under section 8) may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the covered entity operates; or

(B) the covered entity was authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a covered entity in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission (or other appropriate Federal agency under section 3) has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

SEC. 5. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) SOCIAL SECURITY ACCOUNT NUMBER.—The term ''social security account number'' means a social security account number that contains more than 5 digits of the full 9-digit number assigned by the Social Security Administration but does not include social security account numbers to the extent that they are included in a publicly available information source, such as news reports, books, periodicals, or directories or Federal, State, or local government records.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleague Senator BOXER in introducing the Channel Islands National Park Management Act of 2007.

This legislation seeks to clarify the future use and management of the park, and specifically protects Santa Rosa Island for the use of the public.

The taxpayers paid approximately $30 million to acquire Santa Rosa Island in 1986 to restore its native ecology and provide public access.

Unfortunately, late last year during conference negotiations a provision was slipped into the fiscal year 2007 Defense Authorization bill seeking to overturn a court-approved settlement agreement which requires the phasing out of private hunting on Santa Rosa Island.

Under a binding court settlement in the late 1990s, non-native deer and elk must be removed from Santa Rosa Island over a phased, 4-year period beginning in 2008.

Today, from mid-August through mid-November, a large portion of the island is closed to the public so that the island's prior owners can run a trophy hunting operation targeting the deer and elk on the island.

Under the settlement, this hunting operation was to end in 2011 allowing the island to be completely open to the public year round.

Now, under last year's provision, the prior owners will seek to continue charging $16,000 or more for their privately operated hunting trips.

Even though the Government purchased the island from them for $30 million in taxpayer money, the prior owners would seek to keep essentially everything they had before—and that's simply not in the public interest.

Some may be interested in learning a little history and background on this gem of an island: Santa Rosa Island is approximately 53,000 acres and lies about 50 miles west of Ventura Harbor. It is the second largest of the five islands making up the Channel Islands National Park. It is extremely rugged and pristine, with terrain ranging from grassy hills to steep, wind-carved canyons to white sandy beaches. Craggy, steep cliffs overlook rocky tide pools along its coast. Wildflowers cover many parts of the island during the spring and summer. It is ecologically sensitive and includes several endemic plants and species. For example, it is the only place in the world to see the island fox and spotted skunk in their natural habitat. A variety of shore birds—like the snowy plover—and sea mammals—such as seals and sea lions—breed on its beaches. It is seen by many scientists as one of the nation's most unique places. In addition to being the home of rare flora and fauna, it is an archaeological and paleontological treasure, with some sites dating back 11,000 years or to the Pleistocene-era. In fact, in 1994, the world's most complete skeleton of a pygmy mammoth was excavated on the island. It offers incredible recreational opportunities for the public, including hiking, camping, kayaking, fishing, sea sports, and wildlife watching.

The limitation of public access to the island to accommodate privately run hunting trips would be a tragedy. This is the public's land. It's a national park, and the public should be able to visit it and enjoy its breath-taking beauty and remoteness.

I also want to address one issue the provision in last year's Defense Authorization bill purportedly seeks to address: enhancing hunting opportunities for disabled veterans.

While no one opposes providing hunting opportunities for our veterans, it is clear that it is neither a practical nor viable option to use Santa Rosa Island as a hunting reserve for injured and disabled veterans.

This view is now supported by the Paralyzed Veterans of America, PVA, an organization which previously expressed support for the provision overturning the settlement.

Notably, in July 2006, the PVA reached the conclusion following an investigative visit to Santa Rosa that the ''numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide.''

Furthermore, it should be pointed out that in California today, there are already 9 military installations that permit hunting—five that can accommodate disabled servicemembers.

Two of these military installations, Camp Pendleton and Vandenberg Air Force Base, are relatively close to the Channel Islands National Park, and allow disabled veterans to hunt a variety of animals, including deer, waterfowl, quail, feral pigs, small game, and coyote.

Altogether there are over 100 U.S. military installations where hunting is permitted, over 70 of which are currently accessible to disabled servicemembers and veterans.

Naturally, the Park Service is firmly opposed to the provision seeking to overturn the settlement. But it is also important to note that neither the Department of Defense nor the Veterans Administration asked for the language.

Consequently, I strongly believe that the Park Service should continue managing this National Park for the benefit of the general public. To allow any less would be a waste of taxpayer dollars and wrongly limit the public's access to this national treasure.

I strongly believe that we must do everything to protect the island for the public and oppose any measures that could continue to restrict access to the island.

This legislation we are introducing today would safeguard the island in just this manner. I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed 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. 1209

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 ''Channel Islands National Park Management Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

(2) the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

(3) Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

(4) Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

(5) under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

(6) there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources.

SEC. 3. MANAGEMENT OF SANTA ROSA ISLAND, CHANNEL ISLANDS NATIONAL PARK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall manage Santa Rosa Island, Channel Islands National Park (referred to in this section as the ''Park'')—

(1) in accordance with—

(A) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) title II of Public Law 96–199 (16 U.S.C. 410ff et seq.); and

(C) any other laws generally applicable to units of the National Park System; and

(2) in a manner that ensures that—

(A) the natural, scenic and cultural resources of Santa Rosa Island are protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience.

(b) CONFORMING AMENDMENT.—Section 1077(c) of Public Law 109–364 (120 Stat. 2406) is repealed.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing with Senator GRASSLEY, as well as Senators KOHL, FEINGOLD and DURBIN as original cosponsors, the Drug Endangered Children Act of 2007. This bill would take an important grant program for drug-endangered children that Congress authorized in the USA PATRIOT Reauthorization Act, and extend it for two additional years.

In particular, the USA PATRIOT Reauthorization Act authorized $20 million in Federal grants for fiscal years 2006 and 2007 to States to assist in the treatment of children who have been endangered by living at a home where methamphetamine has been manufactured or distributed. But unless we pass new legislation, that authorization will not continue beyond the current fiscal year.

A companion bill was introduced earlier this year by California Congressman DENNIS A. CORDOZA, with bipartisan support in the House.

The White House's Office of National Drug Control Policy, or ONDCP, has documented that innocent children are sometimes found in homes and other environments, hotels, automobiles, apartments, etc., where methamphetamine and other illegal substances are produced.

According to the El Paso Intelligence Center (EPIC) National Clandestine Laboratory Seizure System, there were 1,660 children affected by or injured or killed at methamphetamine labs during 2005.

These children who live at or visit drug-production sites or are present during drug production face a variety of health and safety risks, including: inhalation, absorption, or ingestion of toxic chemicals, drugs, or contaminated foods that may result in nausea, chest pain, eye and tissue irritation, chemical burns, and death; fires and explosions; abuse and neglect, and hazardous lifestyles, presence of booby traps, firearms, code violations, and poor ventilation.

Where children are involved, drug lab seizures must go beyond the normal response from law enforcement, fire and HAZMAT organizations. Additional agencies and officials often must be called in to assist, including emergency medical personnel, social services, and physicians.

Recognizing this need, the ONDCP several years ago announced a national Drug Endangered Children (DEC) initiative to assist with coordination between existing State programs and create a standardized training program to extend DEC to states where such a program does not yet exist.

As a result of this initiative, several states developed DEC programs, to coordinate the efforts of law enforcement, medical services, and child welfare workers, to ensure that children found in these environments receive appropriate attention and care.

These DEC programs began to develop interagency protocols to support drug-endangered children, addressing issues such as: staff training, including safety and cross training; roles and responsibilities of agencies involved; appropriate reporting, cross-reporting, and information sharing; safety procedures for children, families, and responding personnel; interviewing procedures; evidence collection and preservation procedures, and medical care procedures.

Protocols were designed to identify and provide guidance on the variety of issues that responding agencies needed to address in these situations, such as taking children into protective custody and arranging for child protective services, immediately testing the children for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short- and long-term care.

Unfortunately, the ONDCP's initiative, which had been funded in part through a DOJ award of $2.124 million under the Community Oriented Policing Services (COPS) Methamphetamine Initiative of 2003, was not continued thereafter.

The USA PATRIOT Reauthorization Act that we passed in 2005, establishing a specific grant program for this purpose, recognized the need to continue this initiative. Unfortunately, this grant program that we authorized was never funded. In fiscal year 2006, the program that we authorized was appropriated no funds at all.

In fiscal year 2007, the House of Representatives voted to include $5 million for this important program as part of its CJS Appropriations bill. But unfortunately, the 109th Congress adjourned without passing most of its FY2007 appropriations bills, and the Continuing Resolution we passed to keep the government running did not fund this provision either.

So the bill that I introduce today would give the Congress another chance to revive this important initiative. And it can't come too soon for places like Merced, California, where three-quarters of all foster care cases are reported to be methamphetamine-related.

I urge my colleagues to adopt this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1210

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 ''Drug Endangered Children Act of 2007''.

SEC. 2. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c)) is amended by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Drug Endangered Children Act (DEC) of 2007. As U.S. Senators representing States that have been among the hardest hit by the scourge of meth, we have witnessed first hand how this horrible drug has devastated individual lives and families. We have seen the havoc wreaked on the environment as well as the child welfare system and we have listened to the horror stories of those caught in the grips of addiction.

Last year we worked together in a bipartisan effort to pass the Combat

Meth Act, which was eventually included in the USA PATRIOT Act Reauthorization. The result has been a dramatic decrease in the number of clandestine meth lab seizures. While this is certainly welcome news, particularly for our first responders and local law enforcement community, last year there were over 6,400 clandestine meth lab incidents throughout the country. In my home State, we saw a 73 percent decrease in the number of meth lab incidents compared to the previous year yet there were still over 300 incidents last year alone. Clearly, the Combat Meth Act has made progress against locally produced meth, but further action is needed to fully combat this epidemic.

In spite of our success and ongoing efforts to reduce the dangers from ''mom and pop'' meth labs, new and more disturbing instances of meth production, trafficking, and abuse are becoming more prevalent throughout the country. In the State of Missouri, police recently made seven meth-related arrests in just as many hours in the tiny, quiet town of Ozark. The house where these arrests were made belonged to a 45-year-old grandmother, who was baby sitting her infant grandson while his mother was away at school. Upon her arrest she admitted to using meth, but denied she was a dealer. However, while police searched the house, six more individuals were picked up on meth-related charges. When it was all said and done, three children under the age of 3 watched as the police arrested their parent or grandparent for selling or possessing this dangerous drug.

Sadly, this was not an unusual incident. Since 2002, more than 12,000 children throughout the country have been affected, injured, or killed at meth lab sites and thousands more have been sent to foster homes or were victims of meth-related abuse in the home. In Iowa, the Department of Health reports that over 1,000 children over the past 4 years were classified as victims of abuse, and that nearly half of child abuse cases have been meth-related.

Due to the shocking number of children that were being victimized by meth in one form or another, I joined my colleagues in supporting the ''Drug Endangered Children Act of 2005.'' This bill which passed into law as part of the USA PATRIOT Act Reauthorization, established a national grant program to support state Drug Endangered Children programs and to assist local law enforcement, medical services, and child welfare workers to ensure that victimized children would receive proper attention and treatment after living in these terrible environments. I'm pleased to report that since we implemented this grant program, a large number of communities throughout the nation have formed multi-disciplinary alliances for the benefit of drug-exposed children. There are 16 communities throughout Iowa that have taken advantage of these grants and more are in the process of planning and setting up programs.

The Drug Endangered Children Act of 2007 would re-authorize this important grant program for an additional 2 years and assist States in coordinating law enforcement, medical services, and child welfare efforts, to ensure that children found in such environments receive appropriate attention and care. I am pleased to join with my colleague again as we work together to renew this wonderful and worthwhile program. I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I join with Senator GRASSLEY in introducing the Saving Kids from Dangerous Drugs Act of 2007. This bill would increase the criminal penalties that apply when criminals market their illegal drugs to our children, using appalling techniques like the recently reported sales on our streets of candy-flavored methamphetamine.

In particular, the bill would: double the maximum penalties applicable to drug crimes if a criminal defendant manufactures, offers, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under the age of 21; if the violation is a repeat offense, the maximum sentence would be tripled; and a mandatory minimum prison sentence of at least a year would apply in every case involving illegal drugs that targets its marketing at minors.

The growing problem of marketing illegal drugs to minors was highlighted in a recent USA Today article, entitled ''Flavored Meth Use on the Rise,'' which stated, ''Reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.''

Normally, methamphetamine—a highly addictive stimulant—is a brownish, bitter-tasting crystalline powder. But drug dealers, recognizing that this may not be appealing to children or teenagers, have reacted by reaching a new low: they are using candy and soda flavors to market their meth.

Soda flavors. Strawberry methamphetamine that they market as ''Strawberry Quick.'' Reddish methamphetamine marketed as an energy drink like ''Red Bull.'' Even ''chocolate quick.''

Scott Burns, Deputy Drug Czar at the White House Office of National Drug Control Policy, warns that this development may negatively affect the gains we have recently made in getting the word out to our young people about how horrible this drug is.

According to the National Survey on Drug Use and Health, the number of people 12 and older who used methamphetamine for the first time in the previous year decreased from 318,000 people in 2004 to 192,000 people in 2005. That's the good news.

But Deputy Drug Czar Burns warns that with drug dealers having a tougher time selling their product, especially to young people, ''they have to come up with some sort of gimmick.'' And that gimmick, he warns, is the use of flavored methamphetamine.

In my own State of California, San Francisco police since late January have arrested teens with quantities of meth designed to taste like chocolate. The Haight-Asbury clinic also confirms chocolate-flavored methamphetamine being used on the streets.

Dr. Alex Stalcup, a nationally renowned drug counselor, reports seeing teenage patients at the New Leaf Treatment Center suffering the ill effects of flavored methamphetamine since the first of this year.

One of Dr. Stalcup's patients was unaware that the substance was meth at all, and said he was told that it was a solidified form of the energy drink Red Bull. Dr. Stalcup warns that this new form of the drug also may be more likely to lead to an overdose, by users who may not be aware of, or who may underestimate, a candy-flavored drug's impact.

Perhaps the first report of this problem emerged in late January, when a Carson City, Nevada police informant purchased 2 grams of a strawberry-flavored methamphetamine from an alleged member of the Lima Street gang. Officers later served a search warrant on his home and found more. Police bulletins warned this ''new type of meth will be more attractive to a younger crowd and may surface in schools.''

Additional reports also came in. On February 13, a police officer in Greene County, MO, seized a bag of ''strawberry meth'' from a female passenger in a car stopped in a rural area of Greene County, MO. And in Idaho, the Administrator of the Governor's Office of Drug Control Policy warned of how drug dealers were producing ''strawberry quick'' and ''chocolate quick'' forms of meth, to attract young buyers and spawn a new generation of drug buyers.

The Idaho Press-Tribune even reported that at Valentine's Day, drug dealers compressed the flavored form of the drug into heart-shapes, colored it bright pink, and wrapped it in shiny paper.

Based on intelligence gathered by Drug Enforcement Administration agents from informants, users, police and drug counselors, flavored crystals are now available in California, Nevada, Washington, Idaho, Texas, New Mexico, Missouri and Minnesota.

The bill I offer today would address this problem, by enacting penalties to discourage colored and flavored drugs and the marketing of drugs to minors.

Under current law, there is already an enhanced penalty if someone distributes illegal drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But the enhancement applies only if there is an actual distribution to a minor. Even possession with intent to distribute doesn't qualify. And current law doesn't address flavored drugs or marketing illegal drugs in ways appealing to kids.

The bill I introduce would fix that. If someone manufactures, creates, distributes, or possesses with intent to distribute an illegal drug that is flavored, colored, packaged or altered in a way designed to make it more appealing to someone under age 21, they would face this same enhanced penalty.

This bill will send a strong and clear message to the drug dealers—if you flavor up your drugs or alter them in a way that makes it more appealing to our children, there will be a very heavy price to pay.

Flavored meth is designed to get people to try it a few times. It's all about hooking young people. And that is truly tragic. Listen to what one former addict wrote after hearing about this new development:

> They do need to worry about our children because I happen to know quite a few 10 and 12 year olds on up that are already using it and selling it out there. So whoever thinks it's not a threat to our children—WRONG WRONG WRONG! It's more and more dangerous out there when people cannot handle it and they develop a chemical imbalance and lose their mind to where they don't even know who they are anymore. I happen to know a very, very young pretty girl I've met, and she will never come back to who she was. She's gone. She is crazy and is gonna end up hurt then dead one of these days. I pray for this girl all the time . . .

Estimates now place the number of habitual meth users worldwide at 26 million worldwide—more than the combined total for heroin and cocaine. It is extraordinarily addictive. We must act to preserve the gains we have made, and keep kids from getting cruelly tricked into an addiction they may never break.

These new penalties will make dealers think twice before flavoring up their drugs, and punish them appropriately if they don't. I urge my colleagues to support this legislation and 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. 1211

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 ''Saving Kids from Dangerous Drugs Act of 2007''.

SEC. 2. SENTENCING ENHANCEMENTS FOR MARKETING CONTROLLED SUBSTANCES TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in the section heading, by adding at the end the following: ''; MARKETING TO MINORS'';

(2) in subsection (a), by inserting after ''twenty-one years of age'' the following: '', or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,''; and

(3) in subsection (b), by inserting after ''twenty-one years of age'' the following: '', or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Saving Kids from Dangerous Drugs Act of 2007. I believe we have a moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This important legislation comes in response to the recent warnings issued by the Drug Enforcement Administration and the Office of National Drug Control Policy of candy-flavored meth and other illegal drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children and minors. As co-chairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you can keep a child drug-free until they turn 20, chances are very slim that they will ever try or become addicted. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and now grandparent, this is extremely worrisome.

Last year, we worked to pass the Combat Meth Act into law. Since that time, the number of clandestine meth lab seizures have dropped dramatically across the country. By placing the essential ingredient pseudoephedrine behind the counter, we have lifted a heavy burden from the shoulders of our local law enforcement and made our communities a safer place to live and raise a family. In my home State of Iowa alone, the number of seizures fell a remarkable 73 percent since the sale of pseudoephearine was restricted. But as anyone can tell you, we have a long way to go.

Despite our best efforts and recent success, meth continues to wreak havoc on families and communities across the country. While local ''mom and pop'' meth labs are being dismantled everywhere, drug dealers continue to look for new ways to market their poison. This legislation is intended to protect our young people by expanding existing penalties for those marketing their poison to kids.

Currently Federal law enhances Federal penalties for selling drugs to anyone under the age of 21. When a violation occurs, the Federal penalties are doubled—tripled for a repeat offense—and a mandatory minimum of at least 1 year also applies. However, only the dealer who directly sells drugs to someone under 21 is subject to a double sentence.

The Saving Kids from Dangerous Drugs Act would expand the circumstances under which these enhanced penalties apply. Under our bill, the enhanced penalties that already exist would also apply to anyone who ''manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 21 years of age, or who attempts or conspires to do so.''

The fight against meth and other dangerous drugs is and will continue to be an ongoing struggle. We must adapt and change our tactics just as the dealers, distributors, and pushers have changed theirs. We must do all we can to protect the most vulnerable among us and send a clear message to those wishing to prey on our youth.

I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSI. Mr. President, acknowledging the social workers' presence on Capitol Hill this week for their Annual Leadership Meeting Lobby Day, I rise today to introduce the ''Clinical Social Work Medicare Equity Act of 2007.'' I am proud to sponsor this legislation that will ensure clinical social workers receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers are not paid for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental

health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever receive treatment. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

As a former social worker, I understand the role social workers play in the overall care of patients and seniors. This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2007 is strongly supported by the National Association of Social Workers. I also want to thank Senators STABENOW and INOUYE for their co-sponsorship of this bill. I look forward to working with my colleagues to enact this important legislation.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
Washington, DC, April 25, 2007.

Senator BARBARA MIKULSKI,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services. NASW strongly supports the Clinical Social Work Medicare Equity Act of 2007, which will improve mental health care to nursing home residents and end the unfair treatment of clinical social workers under the Medicare Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs).

The Balanced Budget Act of 1997 authorized the creation of the PPS, under which the cost of a variety of routine services provided to SNF patients is bundled into a single amount. Prior to adoption of the PPS, a separate Medicare claim was filed by providers for individual services rendered to a patient. However, Congress recognized that some services, such as mental health and anesthesia, are provided on an individual as-needed basis rather than as part of the bundle of services. Thus, the following types of providers were excluded from the PPS: physicians, clinical psychologists, certified nurse-midwives, and certified registered nurse anesthetists. Unfortunately, due to an oversight during the drafting process, clinical social workers were not listed among the PPS excluded providers.

In 1996, the DHHS Inspector General issued a report entitled ''Mental Health Services in Nursing Facilities,'' which described the types of mental health services provided in nursing facilities and identified their potential vulnerabilities. One critical finding of the report was that 70 percent of respondents stated that permitting clinical social workers and clinical psychologists to bill Medicare independently had a beneficial effect on the provision of mental health services in SNFs. Your legislation will improve care for SNF residents by restoring Medicare payments for specialized clinical social work services rendered to SNF patients.

Your tireless efforts on behalf of consumers of mental health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your strong interest in and commitment to these important issues as demonstrated by your sponsorship of the Clinical Social Work Medicare Equity Act. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

ELIZABETH J. CLARK,
Executive Director.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

Mr. KERRY. Mr. President, this week we are celebrating National Small Business Week to recognize the contributions made by small businesses, which are the engine of our economic growth. During 2005, more than 25 billion small businesses in the United States contributed $918 billion to the economy.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compac Computer, Datastream, Evergreen Solar, Intel Corporations, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Today, Senator SNOWE and I are introducing the Invest in Small Business Act of 2007, to encourage private investment in small businesses by making changes to the existing partial exclusion for gain from certain small business stock.

We are at an integral juncture in developing technology to address global climate change. I believe that small business will repeat the role it played at the vanguard of the computer revolution by leading the Nation in developing the technologies to substantially reduce carbon emissions. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in small businesses.

Back in 1993, I worked with Senator Bumpers to provide a partial exclusion for gain from the sale of small business stock. This provision would provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for five years. Since the enactment of this provision, the capital gains rate has been lowered twice without any changes to the exclusion. Due to the lower capital rates, this provision no longer provides a strong incentive for investment in small businesses.

The Invest in Small Business Act makes several changes to the existing provision. This legislation increases the exclusion amount from 50 percent

to 75 percent and decreases the holding period from five years to four years. This bill would allow corporations to benefit from the provision as long as they own less than 25 percent of the small business corporation stock.

Currently, the exclusion is treated as a preference item for calculating the alternative minimum tax (AMT). The Invest in Small Business Act of 2007 would repeal the exclusion as an AMT preference item. Under current law, the nonexcluded amount of gain is taxed at 28 percent. This legislation would tax the nonexcluded portion at the lower capital gains rate of 15 or 5 percent.

The Invest in Small Business Act of 2007 will provide an effective tax rate of 3.75 percent for the gain from the sale of certain small businesses. This lower capital gains rate will encourage investment in small businesses. In addition, the changes made by the Invest in Small Business Act of 2007 will make more taxpayers eligible for this provision.

As we celebrate the success of entrepreneurs this week, it is an appropriate time to encourage new investment. The Invest in Small Business Act of 2007 strengthens an existing tax incentive to provide an appropriate incentive to encourage innovation and entrepreneurship.

I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1214

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 ''Invest in Small Business Act of 2007''.

SEC. 2. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Paragraph (1) of section 1202(a) of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

''(1) IN GENERAL.—Gross income shall not include 75 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.''.

(2) EMPOWERMENT ZONE BUSINESSES.—Subparagraph (A) of section 1202(a)(2) of such Code is amended—

(A) by striking ''60 percent'' and inserting ''100 percent'', and

(B) by striking ''50 percent'' and inserting ''75 percent''.

(3) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

''(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

''(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

''(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term '25-percent controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 25 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

''(ii) section 1563(a)(4) shall not apply.''.

(4) CONFORMING AMENDMENTS.—Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking ''5 years'' and inserting ''4 years''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) collectibles gain, over''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking ''section 1(h)(11)(B)'' and inserting ''section 1(h)(10)(B)''.

(iii) The following sections of such Code are each amended by striking ''section 1(h)(11)'' and inserting ''section 1(h)(10)'':

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking ''1(h)(11)'' and inserting ''1(h)(10)''.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$100,000,000''.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2007, each of the $100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $100.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2007.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE DECEMBER 31, 2007.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2007,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

SUMMARY OF THE INVEST IN SMALL BUSINESS ACT OF 2007

The Omnibus Budget Reconciliation Act of 1993 included a provision to encourage investment in small businesses. This provision created section 1202 of the tax code which provides a 50 percent exclusion for the gain from the sale of certain small business stock held for more than five years. The amount of gain eligible for the exclusion is limited to the greater of 10 times the taxpayer's basis in the stock, or $10 million gain from stock in that small business corporation. This provision is limited to individual investments and not the investments of a corporation. At the date of the issuance of the stock, the gross assets of the corporation cannot exceed $50 million. At least 80 percent of the assets of the corporation are used for the active conduct of business. For purposes of calculating the alternative minimum tax (AMT), seven percent of the excluded amount is added back into the AMT calculation. The nonexcluded portion of section 1202 gain is taxed at the lesser of ordinary income rates or 28 percent, instead of the lower capital gains rates for individuals. Since the enactment of this provision, the capital gains rate has been lowered twice. No corresponding changes were made to section 1202.

The Invest in Small Business Act of 2007 makes the following changes to section 1202 to encourage more investment in small businesses.

Increases the exclusion from 50 percent to 75 percent.

Decreases the holding period from five to four years.

Repeals the capital gains exclusions as an AMT preference.

Taxes the nonexcluded portion of section 1202 gains at the regular capital gains rate, which is currently 15 percent or 5 percent for individual taxpayers.

Allows corporations the benefits of section 1202, but to be eligible, a corporation cannot hold more than 25 percent of the stock of a qualified small business.

Provides a 100 percent exclusion for gain from the sale of small business stock of corporations located in an empowerment zone.

Increases the asset limitation from $50 million to $100 million.

Below are calculations based on $100 of gain calculated under current law and under the Invest in Small Business Act of 2007. Under the present law, calculations for the remaining $50 would be taxed at 28 percent and result in a tax of $14 for a regular taxpayer and $14.98 of tax for an AMT taxpayer. (This calculation is based on a taxpayer paying the 28 percent AMT rate.)

PRESENT LAW

Regular Tax Calculation:	
Gain	$100
Exclusion	−50
Regular Tax Rate	× 0.28
Total Regular Tax	$14
AMT Tax Calculation	
Excluded amount	$50
AMT preference rate	× .07
AMT preference	3.5
AMT taxable income (regular income plus preference)	53.5
AMT rate	× 0.28
Total AMT	$14.98

INVEST IN SMALL BUSINESS ACT OF 2007

There is only one calculation under this legislation for individual taxpayers because section 1202 gain is no longer a preference item under the AMT. The total amount of tax on $100 of gain is $3.75 and this represents an effective tax rate of 3.75 percent. Under the changes made by the Invest in Small Business Act of 2007, the tax on capital gains

of the sale of qualified small business stock is 3.75 percent, instead of 14 percent for individual taxpayers. Corporate taxpayers would have an effective tax rate of 8.75 percent instead of 35 percent.

Tax Calculation Individual Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	× 0.15
Total Tax	$3.75
Tax Calculation Corporate Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	× 0.35
Total Tax	$8.75

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today with Senator BINGAMAN to introduce a bill of importance to the economic development of our Southwest border States, the Laser Visa Extension Act of 2007.

The United States and Mexico have had special travel rules for Mexican nationals who visit our country for short periods of time since 1953. These visitors can come into our country with a document known as a ''laser visa'' or ''border crossing card'', which is an alternative to a passport and must be obtained from the U.S. government. In the 1990s, the rule was that anyone who held such a document could travel up to 25 miles from the Mexico/U.S. border.

In 1999, Arizona and the Border Trade Alliance mounted a successful campaign to extend the mileage limit in Arizona to 75 miles because there is no large town within 25 miles of the Arizona/Mexico border, so Arizona wasn't getting the economic benefits of these travelers.

Similarly, there is no large town within 25 miles of the New Mexico/Mexico border, so my constituents do not get the economic benefits of laser visa travelers. This disparity needs to be corrected. Moreover, all four Southwest border States should see the same benefits of laser visa travelers.

Therefore, the bill I am introducing today extends the distance laser visa holders can travel into the United States to 100 miles, regardless of which State they are in. Such an extension will allow more towns in all four of our Southwest border States to reap the economic benefits of short-term visitors to our country who hold a travel document issued by our Federal Government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1216

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 ''Laser Visa Extension Act of 2007''.

SEC. 2. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and the State of New Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters the State of New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(b) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and the State of New Mexico if the Secretary determines that the national was previously admitted into the United States as a nonimmigrant and violated the terms and conditions of the national's nonimmigrant status.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the ''Taxpayer Protection and Assistance Act of 2007'' with Senators SMITH, AKAKA, DURBIN, KERRY, and LIEBERMAN. My colleagues may recall that similar legislation, S. 832, was introduced last Congress and ultimately reported out of the Finance Committee last year but unfortunately it never made it to the floor of the Senate. This Congress, the House has already passed taxpayer rights legislation which makes me optimistic that many of these long overdue reforms may finally become law.

This Act is a combination of a variety of well-vetted provisions that will ensure that our Nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable and affordable. As long as we continue to require taxpayers to determine their own tax liability, Congress has a responsibility to ensure that we do not leave taxpayers vulnerable to abuses from those masquerading as tax professionals. The current environment is bad for everyone including the majority of tax return preparers who provide professional and much needed services to taxpayers in their communities. I encourage all of my colleagues to work with us to pass this legislation before the next filing season begins.

The first section of the Taxpayer Protection and Assistance Act would create a $10 million matching grant program for lower income tax preparation clinics much like the program we currently have in place for tax controversies. I have seen first hand the impact free tax preparation clinics can have on taxpayers and their communities, as we are fortunate to have one of the best State-wide programs in the Nation in New Mexico. Tax Help New Mexico, which has been in operation for many years, helped over 20,000 New Mexicans prepare and file their returns last year, resulting in over $20 million in refunds—all without refund anticipation loans. This program has turned into one of the best delivery mechanisms for public assistance I have seen in the State and has been fortunate enough to receive additional funding from the Annie E. Casey Foundation and the McCune Foundation. In order to continue to grow, though, we need to do our part in Congress and give them matching funding so they can continue their outreach into new communities in need of assistance.

The second set of provisions contained in this legislation would ensure that when taxpayers hire someone to help them with their tax returns they can be sure that the person is competent and professional. The first part of the bill makes sure that an enrolled agent, a tax professional licensed to practice before the IRS, shall have the exclusive right to describe him or herself as an ''enrolled agent,'' ''EA,'' or ''E.A.'' In New Mexico, enrolled agents play an important role in helping taxpayers with problems with the IRS and with preparing their returns. Enrolled agents have earned the right to use their credentials. Furthermore, we should protect the credentials of those who have taken the rigorous exams and have experience in tax preparation rather than allow others to confuse the public into thinking they too have the same credentials.

The next part of the bill requires the Secretary of the Treasury to determine what standards need to be met in order for a person to prepare tax returns commercially. Like all other tax professionals, this will require people who make a living preparing tax returns to pass a minimum competency exam and take brush up courses each year to keep up to date with changes in tax law. The majority of tax return preparers already meet these standards, including many who have received credentials from the State or from a nationally recognized association of accountants or tax return preparers. We provide specific authority to the Secretary to determine whether people who have already taken a written proficiency exam as part of some other tax return credentialing will need to take the new exam. The Secretary will be

able to exercise these authorizations only after thorough review of the specific examination and only for those examinations subsequently determined to be comparable. In that light, we urge the Secretary to exercise his authority in this area in a manner consistent with the goal of protecting taxpayers through ensuring the competency of enrolled preparers. The Treasury Department will also be required to operate a public awareness campaign so that taxpayers will know that they need to check to be sure that someone preparing their tax returns for a fee is qualified.

The fourth set of provisions would directly address the problems with refund anticipation loans (RALs)—a problem throughout the country, but one that is particularly troublesome in New Mexico. First, this bill requires refund loan facilitators to register with the Treasury Department. Refund loan facilitators are those people who solicit, process, or otherwise facilitate the making of a refund anticipation loan in relation to a tax return being electronically filed. The legislation also requires these refund loan facilitators to properly disclose to taxpayers that they do not have to get a RAL in order to file their return electronically, as well as clearly disclose what all the costs involved with the loan. Finally, the refund loan facilitators must disclose to taxpayers when the loans would allow their refunds to be offset by the amount of the loan. Much like the public awareness campaign for advertising the credentials required for preparing Federal tax returns, the Act requires the Treasury Department to operate a program to educate the public on the real costs of RALs as compared to other forms of credit. This program will be funded, at least in part, by amounts collected from penalties imposed on refund loan facilitators who have broken the law.

The next section of the bill is an issue that my colleague from Hawaii, Senator AKAKA, has been actively working on for the last several years. This provision would authorize the Treasury Department to award grants to financial institutions or charitable groups that help low income taxpayers set up accounts at a bank or credit union. Because many taxpayers do not have checking or savings accounts, their refunds from IRS cannot be electronically wired to them. The alternative is to have the check mailed to the taxpayer or to have the refund immediately loaned to the taxpayer in the form of a RAL. Of course, getting people to set up a checking or savings account for purposes of receiving their tax refund will also have the benefits of getting many of these people to start saving for the first time.

Finally, we have added two new provisions to clarify existing law. The first clarifies that the National Taxpayer Advocate has the authority to issue taxpayer assistance orders in cases involving closing agreements and compromises. The other clarifies that the Secretary of the Treasury has the authority to take into account a taxpayers specific facts and circumstances when evaluating an offer in compromise. Both of these provisions are the result of bipartisan negotiations and are an improvement to our tax system.

I hope my colleagues will join with me and the cosponsors of this bill to pass this important legislation. Our voluntary tax system is dependent on taxpayers being able to receive the best advice and assistance possible. We have a responsibility to our Nation's taxpayers to make sure that they do receive such advice and assistance. This bill goes a long way toward that goal.

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. 1219

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Protection and Assistance Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. LOW-INCOME TAXPAYER CLINICS.

(a) GRANTS FOR RETURN PREPARATION CLINICS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

''SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RETURN PREPARATION CLINIC.—

''(A) IN GENERAL.—The term 'qualified return preparation clinic' means a clinic which—

''(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

''(ii) operates programs which assist low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

''(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

''(2) CLINIC.—The term 'clinic' includes—

''(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

''(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

''(c) SPECIAL RULES AND LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

''(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (7) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

''Sec. 7526A. Return preparation clinics for low-income taxpayers.''.

(b) GRANTS FOR TAXPAYER REPRESENTATION AND ASSISTANCE CLINICS.—

(1) INCREASE IN AUTHORIZED GRANTS.—Section 7526(c)(1) (relating to aggregate limitation) is amended by striking ''$6,000,000'' and inserting ''$10,000,000''.

(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—

(A) IN GENERAL.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

''(6) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the overhead expenses of any clinic or of any institution sponsoring such clinic.''.

(B) CONFORMING AMENDMENTS.—Section 7526(c)(5) is amended—

(i) by inserting ''qualified'' before ''low-income'', and

(ii) by striking the last sentence.

(3) PROMOTION OF CLINICS.—Section 7526(c), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

''(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

SEC. 3. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following new subsection:

''(b) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.''.

SEC. 4. REGULATION OF FEDERAL TAX RETURN PREPARERS.

(a) AUTHORIZATION.—Section 330(a)(1) of title 31, United States Code, is amended by inserting ''(including compensated preparers of Federal tax returns, documents, and other submissions)'' after ''representatives''.

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code—

(A) to regulate those compensated preparers not otherwise regulated under regulations promulgated under such section on the date of the enactment of this Act, and

(B) to carry out the provisions of, and amendments made by, this section.

(2) EXAMINATION.—

(A) IN GENERAL.—In promulgating the regulations under paragraph (1), the Secretary shall develop (or approve) and administer an eligibility examination designed to test—

(i) the technical knowledge and competency of each preparer described in paragraph (1)(A)—

(I) to prepare Federal tax returns, including individual and business income tax returns, and

(II) to properly claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986 with respect to such individual returns, and

(ii) the knowledge of each such preparer regarding such ethical standards for the preparation of such returns as determined appropriate by the Secretary.

(B) STATE LICENSING OR REGISTRATION PROGRAMS.—The Secretary is authorized to accept an individual as meeting the eligibility examination requirement of this section if, in lieu of the eligibility examination under this section, the individual passed—

(i) a State licensing or State registration program eligibility examination that is comparable to the eligibility examination established by the Secretary, or

(ii) an eligibility examination administered by an existing organization for tax return preparers that is comparable to the eligibility examination established by the Secretary if such test was administered prior to the issuance of the regulations under this section.

(3) CONTINUING ELIGIBILITY.—

(A) IN GENERAL.—The regulations under paragraph (1) shall require a renewal of eligibility every 3 years and shall set forth the manner in which a preparer described in paragraph (1)(A) must renew such eligibility.

(B) CONTINUING EDUCATION REQUIREMENTS.—As part of the renewal of eligibility, such regulations shall require that each such preparer show evidence of completion of such continuing education requirements as specified by the Secretary.

(C) NONMONETARY SANCTIONS.—The regulations under paragraph (1) shall provide for the suspension or termination of such eligibility in the event of any failure to comply with the requirements for such eligibility.

(4) PENALTY FOR UNAUTHORIZED PREPARATION OF RETURNS, ETC.—In promulgating the regulations under paragraph (1), the Secretary shall impose a penalty of $1,000 for each Federal tax return, document, or other submission prepared by a preparer described in paragraph (1)(A) who is not in compliance with the requirements of paragraph (2) or (3) or who is suspended or disbarred from practice before the Department of the Treasury under such regulations. Such penalty shall be in addition to any other penalty which may be imposed.

(c) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Section 330 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

''(1) IN GENERAL.—There shall be in the Internal Revenue Service an Office of Professional Responsibility the functions of which shall be as prescribed by the Secretary of the Treasury, including the carrying out of the purposes of this section.

''(2) DIRECTOR.—

''(A) IN GENERAL.—The Office of Professional Responsibility shall be under the supervision and direction of an official known as the 'Director, Office of Professional Responsibility'. The Director, Office of Professional Responsibility, shall report directly to the Commissioner of Internal Revenue and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, or, if the Secretary of the Treasury so determines, at a rate fixed under section 9503 of such title.

''(B) APPOINTMENT.—The Director, Office of Professional Responsibility, shall be appointed by the Secretary of the Treasury without regard to the provisions of title 5 relating to appointments in the competitive service or the Senior Executive Service.

''(3) HEARING.—Any hearing on an action initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section shall be conducted in accordance with sections 556 and 557 of title 5 by 1 or more administrative law judges appointed by the Secretary of the Treasury under section 3105 of title 5.

''(4) COORDINATION WITH STATE SANCTION PROGRAMS.—In carrying out the purposes of this section, the Director, Office of Professional Responsibility shall coordinate with appropriate State officials in order to collect information regarding representatives, employers, firms and other entities which have been disciplined or suspended under State or local rules.

''(5) INFORMATION ON SANCTIONS TO BE AVAILABLE TO THE PUBLIC.—

''(A) SANCTIONS INITIATED BY ACTION.—When an action is initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section, the pleadings, and the record of the proceeding and hearing shall be open to the public (subject to restrictions imposed under subparagraph (C)).

''(B) SANCTION NOT INITIATED BY ACTION.—When a sanction under regulations promulgated under this section (other than a private reprimand) is imposed without initiation of an action, the Director, Office of Professional Responsibility, shall make available to the public information identifying the representative, employer, firm, or other entity sanctioned, as well as information about the conduct which gave rise to the sanction (subject to restrictions imposed under subparagraph (C)).

''(C) RESTRICTIONS ON RELEASE OF INFORMATION.—Information about clients of the representative, employer, firm, or other entity and medical information with respect to the representative shall not be released to the public or discussed in an open hearing, except to the extent necessary to understand the nature, scope, and impact of the conduct giving rise to the sanction or proposed sanction. Disagreements regarding the application of this subparagraph shall be resolved by the administrative law judge or, when a sanction is imposed without initiation of an action, by the Director, Office of Professional Responsibility.

''(6) FEES.—Any fees imposed under regulations promulgated under this section shall be available without fiscal year limitation to the Office of Professional Responsibility for the purpose of reimbursement of the costs of administering and enforcing the requirements of such regulations.''.

(d) BAN ON AUDIT INSURANCE.—Section 330 of title 31, United States Code, as amended by subsection (c), is amended by adding at the end the following new subsection:

''(f) BAN ON AUDIT INSURANCE.—No person admitted to practice before the Department of the Treasury may directly or indirectly offer or provide insurance to cover professional fees and other expenses incurred in responding to or defending an audit by the Internal Revenue Service.''.

(e) PENALTIES.—

(1) INCREASE IN CERTAIN PENALTIES.—Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking ''a penalty of $50'' and all that follows and inserting ''a penalty equal to—

''(1) $1,000, or

''(2) in the case of 3 or more such failures in a calendar year, $500 for each such failure.

The preceding sentence shall not apply with respect to any failure if such failure is due to reasonable cause and not due to willful neglect.''.

(2) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Office of Professional Responsibility for each fiscal year for the administration of the public awareness campaign described in subsection (g) an amount equal to the penalties collected during the preceding fiscal year under sections 6694 and 6695 of the Internal Revenue Code of 1986 and under the regulations promulgated under section 330 of title 31, United States Code (by reason of subsection (b)(1)).

(3) REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Section 7803(d)(2)(A) is amended—

(A) by striking ''and'' at the end of clause (iii),

(B) by striking the period at the end of clause (iv) and inserting '', and'', and

(C) by adding at the end the following new clause:

''(v) a summary of the penalties assessed and collected during the reporting period under sections 6694 and 6695 and under the regulations promulgated under section 330 of title 31, United States Code, and a review of the procedures by which violations are identified and penalties are assessed under those sections,''.

(f) COORDINATION WITH SECTION 6060(a).—The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(g) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns, documents, and submissions subject to the requirements under the regulations promulgated under such section must sign the return, document, or submission prepared for a fee and display notice of such preparer's compliance under such regulations.

(h) ADDITIONAL FUNDS AVAILABLE FOR COMPLIANCE ACTIVITIES.—The Secretary of the Treasury may use any specifically appropriated funds for earned income tax credit compliance to improve and expand enforcement of the regulations promulgated under section 330 of title 31, United States Code.

(i) ADDITIONAL CERTIFICATION ON DOCUMENTS OTHER THAN RETURNS.—The Secretary of the Treasury shall require that each document or other submission filed with the Internal Revenue Service (other than a return signed by the taxpayer) shall be signed under penalty of perjury and the identifying number of any paid preparer who prepared such

document (if any) under rules similar to the rules under section 6109(a)(4).

SEC. 5. CONTRACT AUTHORITY FOR EXAMINATIONS OF PREPARERS.

The Secretary of the Treasury is authorized to contract for the development or administration, or both, of any examinations under the regulations promulgated under section 330 of title 31, United States Code.

SEC. 6. REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.

(a) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting at the end the following new section:

"SEC. 7529. REFUND ANTICIPATION LOAN FACILITATORS.

''(a) REGISTRATION.—Each refund loan facilitator shall register with the Secretary on an annual basis. As a part of such registration, each refund loan facilitator shall provide the Secretary with the name, address, and taxpayer identification number of such facilitator, and the fee schedule of such facilitator for the year of such registration.

''(b) DISCLOSURE.—Each refund loan facilitator shall disclose to a taxpayer both orally and on a separate written form at the time such taxpayer applies for a refund anticipation loan the following information:

''(1) NATURE OF THE TRANSACTION.—The refund loan facilitator shall disclose—

''(A) that the taxpayer is applying for a loan that is based upon the taxpayer's anticipated income tax refund,

''(B) the expected time within which the loan will be paid to the taxpayer if such loan is approved,

''(C) the time frame in which income tax refunds are typically paid based upon the different filing options available to the taxpayer,

''(D) that there is no guarantee that a refund will be paid in full or received within a specified time period and that the taxpayer is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed,

''(E) if the refund loan facilitator has an agreement with another refund loan facilitator (or any lender working in conjunction with another refund loan facilitator) to offset outstanding liabilities for previous refund anticipation loans provided by such other refund loan facilitator, that any refund paid to the taxpayer may be so offset and the implication of any such offset,

''(F) that the taxpayer may file an electronic return without applying for a refund anticipation loan and the fee for filing such an electronic return, and

''(G) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit and the taxpayer should carefully consider—

''(i) whether such a loan is appropriate for the taxpayer, and

''(ii) other sources of credit.

''(2) FEES AND INTEREST.—The refund loan facilitator shall disclose all refund anticipation loan fees with respect to the refund anticipation loan. Such disclosure shall include—

''(A) a copy of the fee schedule of the refund loan facilitator,

''(B) the typical fees and interest rates (using annual percentage rates as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) for several typical amounts of such loans and of other types of consumer credit,

''(C) typical fees and interest charges if a refund is not paid or delayed, and

''(D) the amount of a fee (if any) that will be charged if the loan is not approved.

''(3) OTHER INFORMATION.—The refund loan facilitator shall disclose any other information required to be disclosed by the Secretary.

''(c) FINES AND SANCTIONS.—

''(1) IN GENERAL.—The Secretary may impose a monetary penalty on any refund loan facilitator who—

''(A) fails to register under subsection (a), or

''(B) fails to disclose any information required under subsection (b).

''(2) MAXIMUM MONETARY PENALTY.—Any monetary penalty imposed under paragraph (1) shall not exceed—

''(A) in the case of a failure to register, the gross income derived from all refund anticipation loans made during the period the refund loan facilitator was not registered, and

''(B) in the case of a failure to disclose information, the gross income derived from all refund anticipation loans with respect to which such failure applied.

''(3) REASONABLE CAUSE EXCEPTIONS.—No penalty may be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.

''(d) DEFINITIONS.—For purposes of this section—

''(1) REFUND LOAN FACILITATOR.—

''(A) IN GENERAL.—The term 'refund loan facilitator' means any electronic return originator who—

''(i) solicits for, processes, receives, or accepts delivery of an application for a refund anticipation loan, or

''(ii) facilitates the making of a refund anticipation loan in any other manner.

''(B) ELECTRONIC RETURN ORIGINATOR.—For purposes of subparagraph (A), the term 'electronic return originator' means a person who originates the electronic submission of income tax returns for another person.

''(2) REFUND ANTICIPATION LOAN.—The term 'refund anticipation loan' means any loan of money or any other thing of value to a taxpayer in connection with the taxpayer's anticipated receipt of a Federal tax refund. Such term includes a loan secured by the tax refund or an arrangement to repay a loan from the tax refund.

''(3) REFUND ANTICIPATION LOAN FEES.—The term 'refund anticipation loan fees' means the fees, charges, interest, and other consideration charged or imposed by the lender or facilitator for the making of a refund anticipation loan.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as necessary to implement the requirements of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 7529. Refund anticipation loan facilitators.''.

(b) DISCLOSURE OF PENALTY.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

''(10) DISCLOSURE OF PENALTIES ON REFUND ANTICIPATION LOAN FACILITATORS.—The Secretary may disclose the name and employer (including the employer's address) of any person with respect to whom a penalty has been imposed under section 7529 and the amount of any such penalty.''.

(c) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Internal Revenue Service for each fiscal year for the administration of the public awareness campaign described in subsection (d) an amount equal to the penalties collected during the preceding fiscal year under section 7529 of the Internal Revenue Code of 1986.

(d) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising, to educate the public on making sound financial decisions with respect to refund anticipation loans (as defined under section 7529 of the Internal Revenue Code of 1986), including the need to compare—

(1) the rates and fees of such loans with the rates and fees of conventional loans; and

(2) the amount of money received under the loan after taking into consideration such costs and fees with the total amount of the refund.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(f) TERMINATION OF DEBT INDICATOR PROGRAM.—The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 9958 and may not implement any similar program.

SEC. 7. TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury is authorized to award demonstration project grants (including multi-year grants) to eligible entities which partner with volunteer and low-income preparation organizations to provide tax preparation services and assistance in connection with establishing an account in a federally insured depository institution for individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) a labor organization, or

(I) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) DEFINITIONS.—For purposes of this section—

(A) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and

(iii) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary of the Treasury in such form and containing such information as the Secretary may require.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(e) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this section, the Secretary of the Treasury shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Treasury, for the grant program described in this section, $10,000,000, or such additional amounts as deemed necessary, to remain available until expended.

(g) REGULATIONS.—The Secretary of the Treasury is authorized to promulgate regulations to implement and administer the grant program under this section.

(h) STUDY ON DELIVERY OF TAX REFUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the payment of tax refunds through Treasury debit cards or other electronic means to assist individuals that do not have access to financial accounts or institutions.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the result of the study conducted under subsection (a).

SEC. 8. CLARIFICATION OF TAXPAYER ASSISTANCE ORDER AUTHORITY.

(a) IN GENERAL.—Section 7811(b)(2) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) chapter 74 (relating to closing agreements and compromises),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to orders issued after the date of the enactment of this Act.

SEC. 9. CLARIFICATION OF STANDARDS FOR EVALUATION OF COMPROMISE OFFERS.

Section 7122(d)(1) is amended—

(1) by inserting ''based on doubt as to liability, doubt as to collectibility, or equitable consideration'' after ''dispute'', and

(2) by inserting at the end the following new paragraph:

''(4) EQUITABLE CONSIDERATION.—In prescribing guidelines under paragraph (1), the Secretary shall compromise a liability to promote effective tax administration when it is inequitable to collect any unpaid tax (or any portion thereof, including penalties and interest) based on all of the facts and circumstances, including—

''(A) whether the taxpayer acted reasonably, responsibly, and in good faith under the circumstances, such as, by taking reasonable actions to avoid or mitigate the tax liability or delayed resolution of such liability,

''(B) whether the taxpayer is a victim of a bad act by a third party or any other unexpected event that significantly contributed to the tax liability or delayed resolution of such liability,

''(C) whether the taxpayer has a recent history of compliance with tax filing and payment obligations (before and after the situation that led to the current tax liability) or has a reasonable explanation for previous noncompliance,

''(D) whether any Internal Revenue Service processing errors, systemic or employee-related, led to or significantly contributed to the tax liability,

''(E) whether the Internal Revenue Service action or inaction has unreasonably delayed resolution of the tax liability, and

''(F) any other fact or circumstance that would lead a reasonable person to conclude that a compromise would be fair, equitable, and in the best interest of tax administration.''.

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, this week thousands of business owners, union members, faith leaders, physicians, nurses, and patients will come together in Washington and in each of the 50 States to demand immediate action to fix our Nation's growing health insurance crisis. The Robert Wood Johnson Foundation's fifth annual Cover the Uninsured Week will once again call attention to the 45 million of our neighbors, co-workers and friends—including 11 million children under age 21—who live without any health care coverage. Unable to afford doctor's visits and prescription drugs, they live day to day in fear that a child will get sick or suffer an accident. No family in this great Nation should have to live in such fear.

Understandably, the focus of Cover the Uninsured Week this year is on the great opportunity presenting this Congress to expand coverage to millions of America's uninsured children through the reauthorization and expansion of the successful, bipartisan State Children's Health Insurance Program. This is the number one domestic budget priority for me and for the new Democratic Congress.

In a given year, uninsured kids are only half as likely to receive any medical care. That neglect leads to chronic disease. Uninsured kids also cost us productivity when parents must choose between working and caring for a sick child without the help of a doctor. Kids in public insurance programs perform 68 percent better in school, and insuring all of them would reduce avoidable hospitalizations by 22 percent.

But while kids are undoubtedly our first priority, we must take care not to lose sight of our ultimate objective: Ensuring that every single man, woman, and child in America has affordable and meaningful health insurance coverage. The fact is that denying health insurance is not just immoral, it's ultimately more costly than insuring them. In the long run, this is an obvious choice.

But we do not have time to wait for the long run. Our businesses, families, and health care providers need relief immediately from the insecurity, inefficiency, and inequity bred by a system which insures too few at too high a cost.

Therefore, I am introducing today the ''Countdown to Coverage Act of 2007.'' It's simple: The Countdown to Coverage Act requires Congress to pass legislation by the end of the 111th session that will ensure all Americans have quality, affordable health care coverage. If Congress fails to act, members will become responsible for 100 percent of the cost of their own plan through FEHBP.

Senators and Congressmen give ourselves the very best health care coverage, and it's American taxpayers who foot the bill. Now, Congress needs to step up and pass universal health care coverage by 2011—or pay the price and pick up the cost of our own health care ourselves. 45 million people—11 million kids—without health insurance is unacceptable in the richest country in the world. Every American deserves the kind of quality care that Senators and Congressmen give themselves, and this bill sets a deadline for members of Congress to take real action.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1221

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 ''Countdown to Coverage Act of 2007''.

SEC. 2. COMPREHENSIVE HEALTH CARE REFORM.

(a) IN GENERAL.—If a provision of law that ensures accessible, affordable, and meaningful health insurance for all Americans is not enacted before the adjournment, sine die, of the 111th Congress, as determined by Institute of Medicine, there shall be no Government contribution under section 8906 of title 5, United States Code, for any Member of Congress and any Member of Congress shall pay 100 percent of all premiums for any health benefits plan under chapter 89 of that title.

(b) NOTIFICATION.—The Institute of Medicine shall submit timely notice to the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives of—

(1) the determination that a provision of law has not been enacted before the adjournment, sine die, of the 111th Congress, as described under subsection (a); and

(2) the dates and adjustments that are required to take effect under this Act.

(c) ADJUSTMENTS.—After receiving notice under subsection (b), the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives shall make such

adjustments as may be necessary on the first day of the first applicable pay period beginning on or after the date of that notice.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, I rise today to reintroduce legislation to protect American consumers and homeowners from fraudulent and abusive mortgage lending practices. Mortgage fraud and abuse are growing problems in this country, problems that are depriving thousands of Americans of their dream of homeownership and often their hard-earned life savings. These problems are also costing the mortgage industry hundreds of millions of dollars each year and making the housing market, which is critical to our economy and the stability of our neighborhoods, more vulnerable.

Although the data in this area is limited, mortgage fraud, which takes a variety of forms from inflated appraisals to the use of straw buyers, is a growing problem. In September of 2002, the FBI had 436 mortgage fraud investigations. Currently, they have more than 1,036—an increase of 137 percent in less than 5 years. And of the 1,036 current cases, more than half have expected losses of more than $1 million. This is due largely to the housing boom which has driven up housing prices across the country. Nearly $2.37 trillion in mortgage loans were made during 2006, and the number may be even higher this year.

But mortgage fraud is not just about dollars and statistics; it's about real people, real homes, and real lives. I first introduced this legislation last year after my hometown Chicago Tribune featured a series of articles about mortgage fraud in Illinois, which, along with Georgia, South Carolina, Florida, Missouri, Michigan, California, Nevada, Colorado and Utah, is among the FBI's top-ten mortgage fraud ''hot spots.''

The Tribune stories highlighted the plight of the good folks on May Street in Chicago, who saw a block's worth of homes go boarded up in the span of a just few years, as swindlers racked up hundreds of thousands of dollars in bad loans. The shells of houses were left behind as sad reminders of broken dreams. The Tribune highlighted the plight of 75-year-old Ruth Williams, who had to spend her personal funds to clear the title to her home after fraudsters secured $400,000 in loans on three buildings they didn't own. A recent Tribune investigation turned up a 91-year-old woman defrauded into signing away her brick Chicago home, her sole asset, leaving her with nothing.

Law enforcement, consumer groups and many in the mortgage industry are working extremely hard to combat fraud and abusive lending practices. I applaud their good work. Now, Congress should come to the table and do its part, and I'm pleased to introduce legislation today with my good friend Senator DURBIN to address this important issue.

The STOP FRAUD Act, which was first introduced in February 2006, is aimed at stopping mortgage transactions which operate to promote fraud, risk, abuse and underdevelopment. This year, the bill includes new provisions to protect the legal rights of borrowers with particularly risky subprime loans. The Act provides the first Federal definition of mortgage fraud and authorizes stiff criminal penalties against fraudulent actors. STOP FRAUD requires a wide range of mortgage professionals to report suspected fraudulent activity, and gives these same professionals safe harbor from liability when they report suspicious incidents. It also authorizes several grant programs to help State and local law enforcement fight fraud, provide the mortgage industry with updates on fraud trends, and further support the Departments of Treasury, Justice and Housing and Urban Development's fraud-fighting efforts.

At a time when many homeowners are concerned about losing their home to foreclosure, and policymakers are worried about fraudulent, deceptive, and even just plain confusing lending practices that are roiling communities across the country, STOP FRAUD provides $25 million for housing counseling. The Department of Housing and Urban Development will contract with public or private organization to provide information, advice, counseling, and technical assistance to tenants, homeowners, and other consumers with respect to mortgage fraud and other activities that are likely to increase the risk of foreclosure.

The Act also protects the legal rights of borrowers with risky, subprime loans. The greatest growth in the mortgage lending market is in subprime loans and some have estimated that more than 2 million homeowners with subprime mortgages are at risk of losing their homes. If a borrower receives a subprime mortgage with any one of several high-risk characteristics, the Act protects the rights of borrowers to challenge lending practices in foreclosure proceedings. The high-risk characteristics targeted by this Act include loans for which the borrower does not have the ability to repay at the maximum rate of interest, loans whose true long-term costs are not clearly disclosed to the borrower, stated-income and no-documentation loans, and loans with unreasonable prepayment penalties.

Many States are actively trying to prevent a wave of expected foreclosures as housing prices stop rising while adjustable rates on many risk loans start rising. STOP FRAUD instructs the Government Accountability Office to evaluate the various State initiatives and report to Congress on lending practices and regulations related to mortgage fraud and deception, predatory lending, and homeownership preservation efforts.

We cannot sit on the sidelines while increasing numbers of American families face the risk of losing their homes. There is excellent work being done by the Banking Committees in the House and Senate to tackle some of the thorniest and most challenging problems affecting the mortgage industry today. I look forward to working with my colleagues on comprehensive legislation to protect consumers and strengthen the housing market. The STOP FRAUD Act is just the beginning of an important Federal response. It is a tough, cost-effective, and balanced way to address the serious problem of mortgage fraud in our country and to provide additional protections for vulnerable borrowers. I urge my colleagues to join me in this important effort.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about the First Response Broadcasters Act, legislation I am introducing today along with Senators STEVENS, CARPER and PRYOR.

As my State suffered the devastating impact of Hurricanes Katrina and Rita and the levee breaks that followed, we learned that one of the most vital relief supplies is information. In providing it, all of our local media—newspapers, broadcasters and web sites included—did amazing work to keep the people of my State informed, even when displaced thousands of miles away. But with phone lines down and streets too flooded to move around, the sound of a local radio or television station was for many of my constituents the only voice in those first few dark nights after the hurricanes. Our local broadcasters provided life-saving information and comfort when both were needed the most. Many of them worked through unimaginable technical and emotional obstacles, staying on the air as their facilities and staff homes were destroyed, and loved ones remained missing.

With the entire industry dependent on public airwaves, broadcasters have a duty to serve the public in times of crisis. As local radio and television stations stand up, as so many did, to put commercial interests aside to serve the public interest, the federal government

should be ready to stand with them. This is not a new partnership.

Under laws going back to 1951, radio and television stations are today required to participate in the national Emergency Alert System (EAS), and many stations have protected, government-funded circuits connecting them to emergency command centers. This legislation would directly connect more stations nationwide to this network by authorizing $6.5 million to FEMA to set up Primary Entry Point radio stations in another twenty five states and U.S. territories. Currently there are thirty-two stations and two under development in Alabama and Mississippi.

A Primary Entry Point (PEP) station is a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power. For example, WWL Radio in New Orleans was the only PEP station in the Gulf Coast after Katrina and it provided radio broadcasts for two weeks after the storm until commercial power was restored. FEMA commissioned recommendations from the Primary Entry Point Advisory Committee, a non-profit group they set up to oversee the stations, and just needs the additional funds to build the additional facilities. Included in the findings of the legislation is a comprehensive list of the states that are currently without PEP stations and which would benefit from this provision. There are also States which have PEP stations, but because of geographic limitations, require an additional station to fully cover the State. This bill would provide those two additional stations in Kansas and Florida.

But what good is this successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, the transmitter needs to be in the same area as the people in need of warning. Despite our Federal investments in the emergency system and entry point stations, there were several Gulf Coast broadcasters after the hurricanes that could not stay on the air simply because the government took their fuel away. They were told they weren't on the list.''

This legislation puts these broadcasters on the list, where they belong. To protect vital broadcast infrastructure and encourage more broadcasters to deploy disaster-resistant telecommunications equipment, this bill would also create a 3-year pilot program managed by the Federal Emergency Management Agency to provide annual matching grants to qualified First Response Broadcasters for the protection and reinforcement of critical-to-air facilities and infrastructure. The program would receive $10 million per year to fund matching program grants, and grants could also be used for projects to enhance essential disaster-related public information services.

As the program encourages both disaster preparedness and community coordination, increased scoring would be granted to applications from broadcasters who form cooperative proposals with other broadcasters in the area or those who submit plans in conjunction with local or State governments. Priority scoring would also be given to applicants in disaster-prone areas and also based on the public service merits of the broadcasters disaster programming plan.

No disaster warning, evacuation plan or emergency instruction matters if it can't get to the people who need it. This is why the Federal Communications Commission and a presidential advisory panel have each recommended we take steps to keep these lifesaving broadcasts on the air.

In particular, this bill would require that the Federal Emergency Management Agency and other Federal response agencies, in coordination with State and local authorities and the National Guard, honor press access guidelines and credentials set by the local governing authority in the declared disaster area. For example, if the City of New Orleans issued press credentials before the disaster and the city decided to continue honoring them post-disaster, FEMA officials operating in the area would be required to honor those credentials as well. The local entity, at its own discretion, would be able to request that this credentialing authority be passed instead to federal or state officials.

Along these same lines, the bill would also direct the Federal Emergency Management Agency to coordinate with local and State agencies to allow access, where practicable and not impeding recovery or endangering public safety, into the disaster area for personnel and equipment essential to restoring or maintaining critical-to-air broadcast infrastructure. The priority policies and procedures for this coordination would be similar to those practiced for restoring public utilities, and would include access for refueling generators and re-supplying critical facilities.

For all journalists working to tell the story-newspapers and web sites included-the First Response Broadcasters Act makes sure that the local officials, who know local reporters best, decide where the journalists can go, not some Washington bureaucrat who just stepped off the plane.

In closing, I would like to submit for the record the stories of a few incredible broadcasters who through recent disasters have demonstrated exactly the type of response this bill is intended to encourage. I would also like to submit for the record a list of organizations which have already endorsed this legislation-including the state broadcasting associations from every one of the 50 states and the District of Columbia.

Broadcasters have a duty to the American people to spread the word in times of crisis. No one else can do it. They are already a key part of our national emergency response plan, and have been for more than 50 years. This bill merely reinforces this fact and secures the logical extension of commitments already made by Federal government. We have a responsibility to make sure the tools are protected to make the system work.

Broadcasters are first responders—and with this bill today, we will strengthen our essential partnership with them for the benefit of all Americans. I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation, the broadcaster stories, and a list of the organizations already supporting this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1223

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 ''First Response Broadcasters Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the periods before, during, and after major disasters that occurred not long before the date of enactment of this Act (including Hurricane Katrina, Hurricane Rita, and the terrorist attacks of September 11, 2001), local media organizations (including newspapers, public and private broadcasters, and online publications) provided a valuable public service by transmitting and publishing disaster-related information, guidance, and assistance;

(2) local broadcasters, public and private, provided a particularly valuable public service by transmitting evacuation instructions, warnings of impending threats, timely response status updates, and other essential information related to such major disasters to listeners and viewers to whom other forms of media were often unavailable or inaccessible;

(3) an inability to access a disaster area may impede the ability of local media organizations to provide such public services;

(4) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled ''Hurricane Katrina: A Nation Still Unprepared'', dated May 2006, ''It is essential that the news media receive accurate disaster information to circulate to the public. News media can also help inform the public by reporting on rumors and soliciting evidence and comment on their plausibility, if any'';

(5) according to testimony provided on September 22, 2005, to the Committee on Commerce, Science, and Transportation of the Senate, an estimated 100 Gulf Coast broadcast stations were unable to broadcast as a result of Hurricane Katrina, with approximately 28 percent of television stations and approximately 35 percent of radio stations unable to broadcast in the area affected by Hurricane Katrina;

(6) according to testimony provided on September 7, 2005, to the Committee on Energy and Commerce of the House of Representatives, following Hurricane Katrina only 4 of the 41 radio broadcast stations in the New Orleans metropolitan area remained on the air in the immediate aftermath of that hurricane;

(7) the only television station in New Orleans to continue transmitting its over-the-air signal uninterrupted during and after Hurricane Katrina was able to do so only as a direct result of steps taken to better protect its transmitter and provide redundant production facilities in the region;

(8) fuel and other supply shortages inhibit the ability of a broadcaster to stay on the air and provide essential public information following a major disaster;

(9) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled ''Hurricane Katrina: A Nation Still Unprepared'', dated May 2006, there were instances of Federal authorities confiscating privately-purchased fuel supplies in the area affected by Hurricane Katrina;

(10) the ability of several broadcasters in Mississippi to remain on the air was unduly compromised by the confiscation of their privately-purchased fuel supplies;

(11) practices put in place following Hurricane Andrew to involve broadcasters in disaster response and expedite access by broadcast engineers to disaster areas for the purpose of repairing critical-to-air facilities and infrastructure has significantly increased the ability of broadcasters in Florida to continue transmitting essential public information during subsequent major disasters;

(12) a June 12, 2006, report to the Federal Communications Commission from the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks recommends that cable and broadcasting infrastructure providers, and their contracted workers, be afforded emergency responder status under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that this designation would remedy many of the access and fuel sharing issues that hampered industry efforts to quickly repair infrastructure following Hurricane Katrina;

(13) the partnership of competing radio broadcasters in the wake of Hurricane Katrina, casting aside commercial interests to provide uninterrupted, redundant public information programming from multiple transmission facilities, served the public well and for many hurricane victims was the only source of disaster-related information for many days;

(14) other similar models for regional broadcaster cooperation nationwide, such as the initiative by 3 public and private radio groups to cooperatively produce essential disaster-related programming in eastern and central Maine, will further prepare the industry to effectively respond to major disasters;

(15) following Hurricane Katrina, a Primary Entry Point station in Louisiana, operating only on generator power until commercial power was restored 2 weeks after the disaster, was instrumental in providing life-saving information to the general public throughout the area as battery-operated radios were the only source of official news and information;

(16) as of April 18, 2007, there were 24 States with 1 Primary Entry Point station, 4 States with 2 Primary Entry point stations, 2 Primary Entry Point stations located in territories of the United States, and 2 Primary Entry Point stations under development in Alabama and Mississippi;

(17) in the event of a man-made or natural disaster, it is essential to provide for Primary Entry Point stations in any State or territory where there is not a facility, meaning an additional 23 stations are required, located in—

(A) Arkansas;
(B) Connecticut;
(C) Delaware;
(D) the District of Columbia;
(E) Indiana;
(F) Iowa;
(G) Kentucky;
(H) Maine;
(I) Michigan;
(J) Nebraska;
(K) New Hampshire;
(L) New Jersey;
(M) Oklahoma;
(N) Oregon;
(O) Pennsylvania;
(P) Rhode Island;
(Q) South Dakota;
(R) Vermont;
(S) West Virginia;
(T) Wisconsin;
(U) American Samoa;
(V) the Northern Mariana Islands; and
(W) Guam; and

(18) in the event of a man-made or natural disaster, it is essential to provide for the Primary Entry Point stations in larger States where there is currently a facility, but an additional station is required to ensure full sufficient geographic coverage, meaning 2 stations are required, located in—

(A) Kansas; and
(B) Florida.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''disaster area'' means an area in which the President has declared a major disaster, during the period of that declaration;

(3) the term ''first response broadcaster'' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after the occurrence of a major disaster;

(4) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(5) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4. PRIMARY ENTRY POINT STATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $6,500,000 to the Administrator of the Federal Emergency Management Agency for facility and equipment expenses to construct an additional 25 Primary Entry Point stations in the continental United States and territories.

(b) DEFINITION.—In this section, the term ''Primary Entry Point station'' means a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power.

SEC. 5. BROADCAST DISASTER PREPAREDNESS GRANT PROGRAM.

(a) DEFINITION.—In this section, the term ''pilot program'' means the Broadcast Disaster Preparedness Grant Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program under which the Administrator may make grants to first response broadcasters, to be known as the ''Broadcast Disaster Preparedness Grant Program''.

(c) PRIORITY.—The Administrator may give priority to an application for a grant under the pilot program that—

(1) is submitted—

(A) on behalf of more than 1 first response broadcaster operating in an area;

(B) in cooperation with State or local authorities;

(C) on behalf of a first response broadcaster with 50 employees or less;

(D) on behalf of a first response broadcaster that is principally owned and operated by individuals residing within the State, county, parish, or municipality in which the broadcaster is located; or

(2) provides, in writing, a statement of the intention of the applicant to provide disaster-related programming dedicated to essential public information purposes before, during, and after a major disaster.

(d) USE OF FUNDS.—A grant under the pilot program shall be used by a first response broadcaster to—

(1) protect or provide redundancy for facilities and infrastructure, including transmitters and other at-risk equipment (as determined by the Administrator), critical to the ability of that first response broadcaster to continue to produce and transmit essential disaster-related public information programming; or

(2) upgrade or add facilities or equipment that will enhance or expand the ability of the first responder broadcaster to acquire, produce, or transmit essential disaster-related public information programming.

(e) FEDERAL SHARE.—The Federal share of an activity carried out with a grant under this section shall be not more than 50 percent.

(f) TERMINATION.—The authority to make grants under the pilot program shall terminate at the end of the third full fiscal year after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the pilot program $10,000,000 for each of fiscal years 2008 through 2010.

SEC. 6. FIRST RESPONSE BROADCASTER ACCESS FOLLOWING A MAJOR DISASTER.

(a) ACCESS.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended—

(1) in subsection (a)(3)(B), by inserting ''(including providing fuel, food, water, and other supplies to first response broadcasters, after providing essential emergency services, health care, and utility restoration services)'' before the semicolon at the end; and

(2) in subsection (c)(6)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

''(A) FIRST RESPONSE BROADCASTER.—The term 'first response broadcaster' has the meaning given that term in section 707.''.

(b) CONFISCATION.—Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201 et seq.) is amended by adding at the end the following:

''SEC. 707. CONFISCATION FROM FIRST RESPONSE BROADCASTERS.

''(a) DEFINITION.—In this section, the term 'first response broadcaster' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after a major disaster.

''(b) IN GENERAL.—In the event of a major disaster, and to the extent practicable and consistent with not endangering public safety, a Federal officer or employee may not confiscate fuel, water, or food from a first response broadcaster if that first response broadcaster adequately documents that such supplies will be used to enable that broadcast first responder to broadcast essential disaster-related public information programming in the area affected by that major disaster.''.

(c) RESTORATION OF SERVICES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) (relating to essential service providers) as section 427; and

(2) in section 427, as so redesignated, by adding at the end the following:

''(d) FIRST RESPONSE BROADCASTERS.—

''(1) DEFINITION.—In this subsection, the term 'first response broadcaster' has the meaning given that term in section 707.

''(2) IN GENERAL.—In the event of a major disaster, the head of a Federal agency, in consultation with appropriate State and local government authorities, and to the greatest extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, shall allow access to the area affected by that major disaster for technical personnel, broadcast engineers, and equipment needed to restore, repair, or resupply any facility or equipment critical to the ability of a first response broadcaster to continue to acquire, produce, and transmit essential disaster-related public information programming, including the repair and maintenance of transmitters and other facility equipment and transporting fuel for generators.

''(3) NEWS GATHERING EMPLOYEES.—This subsection shall not apply to news gathering employees or agents of a first response broadcaster.''.

(d) GUIDELINES FOR PRESS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''credentialing authority'' means a Federal, State, or local government agency that—

(i) issues press credentials; and

(ii) permits and coordinates access to a designated location or area on the basis of possessing such press credentials;

(B) the term ''press credential'' means the identification provided to news personnel to identify such personnel as members of the press; and

(C) the term ''news personnel'' includes a broadcast journalist or technician, newspaper or periodical reporter, photojournalist, and member of a similar professional field whose primary interest in entering the disaster area is to gather information related to the disaster for wider publication or broadcast.

(2) ACCESS TO DISASTER AREA.—For purposes of permitting and coordinating access by news personnel to a disaster area—

(A) any State or local government agency that serves as the primary credentialing authority for that disaster area before the date of the applicable major disaster shall remain the primary credentialing authority during and after that major disaster, unless—

(i) the State or local government agency voluntarily relinquishes the ability to serve as primary credentialing authority to another agency; or

(ii) the State or local government agency, in consultation with appropriate Federal disaster response agencies, assigns certain duties, including primary credentialing authority, to the Federal Emergency Management Agency or another appropriate Federal, State, or local government agency; and

(B) the Federal Emergency Management Agency and other appropriate Federal disaster response agencies operating in a disaster area shall permit and coordinate news personnel access to the disaster area consistent with the access guidelines determined by the primary credentialing authority for that disaster area.

(3) CATASTROPHIC INCIDENT ACCESS.—In the event of a catastrophic incident (as that term is defined in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311)) that leaves a State or local primary credentialing authority unable to execute the duties of that credentialing authority described under paragraph (2) or to effectively communicate to Federal officials a determination regarding the intent of that credentialing authority to retain, relinquish, or assign its status as the primary credentialing authority, the Secretary may designate the Federal Emergency Management Agency or another Federal agency as the interim primary credentialing authority, until such a time as the State or local credentialing authority notifies the Secretary of whether that authority intends to retain, relinquish, or assign its status.

ORGANIZATION ENDORSEMENTS

1. The National Association of Broadcasters
2. The Radio-Television News Directors Association
3. The Alabama Broadcasters Association
4. The Alaska Broadcasters Association
5. The Arizona Broadcasters Association
6. The Arkansas Broadcasters Association
7. The California Broadcasters Association
8. The Colorado Broadcasters Association
9. The Connecticut Broadcasters Association
10. The Florida Association of Broadcasters
11. The Georgia Association of Broadcasters
12. The Hawaii Association of Broadcasters
13. The Idaho State Broadcasters Association
14. The Illinois Broadcasters Association
15. The Indiana Broadcasters Association
16. The Iowa Broadcasters Association
17. The Kansas Association of Broadcasters
18. The Kentucky Broadcasters Association
19. The Louisiana Association of Broadcasters
20. The Maine Association of Broadcasters
21. The Maryland/DC/Delaware Broadcasters Association
22. The Massachusetts Broadcasters Association
23. The Michigan Association of Broadcasters
24. The Minnesota Broadcasters Association
25. The Mississippi Association of Broadcasters
26. The Missouri Broadcasters Association
27. The Montana Broadcasters Association
28. The Nebraska Broadcasters Association
29. The Nevada Broadcasters Association
30. The New Hampshire Association of Broadcasters
31. The New Jersey Broadcasters Association
32. The New Mexico Broadcasters Association
33. The New York State Broadcasters Association
34. The North Carolina Association of Broadcasters
35. The North Dakota Broadcasters Association
36. The Ohio Association of Broadcasters
37. The Oklahoma Association of Broadcasters
38. The Oregon Association of Broadcasters
39. The Pennsylvania Association of Broadcasters
40. The Rhode Island Broadcasters Association
41. The South Carolina Broadcasters Association
42. The South Dakota Broadcasters Association
43. The Tennessee Association of Broadcasters
44. The Texas Association of Broadcasters
45. The Utah Broadcasters Association
46. The Vermont Association of Broadcasters
47. The Virginia Association of Broadcasters
48. The Washington State Association of Broadcasters
49. The West Virginia Broadcasters Association
50. The Wisconsin Broadcasters Association
51. The Wyoming Association of Broadcasters
52. Calcasieu Parish (La.) Sherriff Tony Mancuso

REAL STORIES OF FIRST RESPONSE BROADCASTERS

[From WWL-TV—New Oreleans, LA]

(By News Director Chris Slaughter)

Our 150 employees developed a plan that would enable WWL-TV to be the only television station to stay on the air and keep information flowing in our community's darkest hour. 95 percent of the station's news, engineering, production and administrative personnel made sure their families were safe, then devoted 14 straight days and nights using their most valuable tool—information—to help their metropolitan New Orleans neighbors survive. Many did this while knowing they had lost everything they owned (40 percent of station personnel lost homes in the storm). Many worked with the stress of knowing that spouses, relatives and friends were missing or working in dangerous situations.

During the course of the storm and initial aftermath, WWL-TV broadcast from four different studios. When the storm forced the evacuation of our French Quarter studio, the broadcast seamlessly shifted to the Louisiana State University Manship School of Mass Communications in Baton Rouge, which WWL-TV had chosen as an alternative broadcast site in early 2004. Half of the newsroom worked from that location while the other half stayed in New Orleans and worked from the station transmitter site. When it became apparent that lack of city services would keep us out of our undamaged station for an extended time, we rented the Louisiana Public Broadcasting studios in Baton Rouge. Our signal was carried by satellite to our New Orleans transmitter.

WWL-TV informed viewers wherever they were. The commercial-free programming was broadcast from our transmitter, simulcast on radio, streamed on our website and seen statewide on Louisiana's public broadcasting channel. Satellite feeds of our coverage were rebroadcast by stations from Texas to New England, and other areas housing evacuees.

Our parent company, Belo Corp., and its affiliated stations provided major support. Corporate staff worked to provide communications, housing, fuel, food and clothing for displaced WWL-TV employees. Satellite News Gathering trucks from Belo stations began moving in shortly after the storm first entered the Gulf of Mexico. The stations also sent news, production and technical staff to help as WWL covered the storm of the century.

[From KPLC-TV—Lake Charles, LA]

(By General Manager Jim Serra)

KPLC's non-stop coverage of the approach, passage, and aftermath of Hurricane Rita began several days before the storm came ashore just south of Lake Charles and extended for two weeks until the region was reopened to evacuees.

Throughout the storm, KPLC never lost its broadcast signal, and maintained full coverage including live streaming video on its website. Evacuated citizens of Southwest Louisiana, even those who fled far from the station's broadcast signal, never lost touch with local emergency information from their community

Upon its approach, Rita was the strongest hurricane ever recorded in the Gulf. Based on the anticipated threat of wind damage and flooding, 25 KPLC employees rode out the hurricane in a makeshift studio in the more secure confines of nearby CHRISTUS-St. Patrick Hospital. Hospital employees became our partners in the storm coverage.

After the hurricane, KPLC produced a DVD documentary on Rita, donating nearly $50,000 in proceeds to the St. Patrick Foundation. As a result of this partnership, CMN

(Children's Miracle Network) awarded KPLC and St. Patrick Hospital their national community service award.

KPLC's coverage was simulcast on multiple local radio stations. It was also augmented by the efforts of several television stations within Louisiana and beyond.

[From WLOX-TV—Biloxi, MS]

(By News Director Dave Vincent)

For more than 12 days, WLOX employees banded together & provided exceptional coverage of Hurricane Katrina despite personal danger & ultimately great personal loss. WLOX News broadcast 24/7 for 12 days delivering life saving information to the people of South Mississippi. Our news coverage went wall to wall when it became apparent that Hurricane Katrina would gravely impact South Mississippi. Katrina's winds & deadly 30 foot plus tidal surge did not stop our coverage. Neither did her massive path of destruction nor her impact on our TV station. We continued to broadcast even when Katrina ripped off our newsroom roof, destroyed another wing of our station, toppled one of our TV towers, wiped out our Jackson & Hancock County news bureaus & forced us in the main station to evacuate to a safer section of our building.

There is no doubt that without the courageous action of WLOX employees many more lives would have been lost in this, the worst natural disaster to hit our county. In addition, we have been told by many viewers that we were their only life line during the height of the storm & in those first days after Katrina, when our community was devastated & very much like a third world country.

Here is an excerpt from one letter: ''During the storm we ran our small generator a few hours a day. Your station was the only one we could count on to have news when we could see it. God Bless all of you for being there for all of us.'' Scott and Lori Lasher of Carnes, Mississippi Sept 16, 2005.

Here is one other letter: ''First of all, I would like to commend you on an AWESOME JOB!! Your coverage of Hurricane Katrina and her aftermath was and continues to be superb! Thanks for giving us here in South Mississippi some semblance of normalcy during such a teffifying time.'' Doyla Ashe, Poplarville, MS Sept., 16 2005.

During our coverage, we were the source of information for our community. We told people where to find shelter, where to find food & medicine & other needed supplies. To insure that life saving information reached our community we reached out to all the radio groups on the coast & they carried our signal. Also the local newspaper contacted us & we put many of their reporters on the air. The local FOX affiliate even carried our signal for a few days. After Katrina knocked out our ability to stream our continual coverage on our web site, our sister stations in the Liberty chain took over the postings & helped us keep thousands of evacuees informed through wlox.com.

Hurricane Katrina left thousands of people homeless & forever changed the face of our community. Our station is a reflection of the community in which we live & work. At least 12 of our employees lost everything. Another 60 had significant damage to their homes. Everyone suffered some loss. Yet our employees continued to work putting the safety & welfare of their community above their personal situation.

[From WRC–TV—Washington, DC]

(By News Director Vicki Burns)

September 11th 2001 presented broadcast journalists with unforeseen and unprecedented challenges. In Washington DC and New York City, those challenges were especially difficult. The nation had never been attacked on this scale at home. Modern television journalists had a critical role in communicating what had happened and what it meant.

As journalists in the nation's capital, our responsibilities were two-fold: to report rapidly changing developments amidst an uncertain and frightening environment, and to keep the community and ourselves safe and informed.

The day of the initial attack was chaotic. Our ability to provide crucial public safety information to the community depended upon our access to key officials, locations and events, along with the ability to be mobile when necessary.

Our efforts were severely hampered when our portable Nextel radios, our cell phones, and our landline phones went down. Newsroom decision makers were unable to communicate with reporters and photographers for some time.

Our field teams were on site and on air for hours, sometimes days at a time. In order to sustain that coverage, we used couriers to shuttle food, water and supplies. Due to road closures and other limitations, that task became extremely difficult.

At every location, we were forced to provide several pieces of identification, and at times were turned away from critical places.

It is important to note that in a time of great chaos and danger, our role as journalists contributes to the solution. We cannot provide a service to the community without the cooperation and support of governing jurisdictions.

WITH POWER OUT, LOCAL RADIO STATION BECOMES VOICE IN THE DARK

(By John Curran, Associated Press Writer, Apr. 21, 2007)

RUTLAND, VT.—Some of them needed generators, others kerosene. Some wanted to know how many others were in the dark, or which streets were passable. Some just needed to hear a voice.

''This is Glendora,'' one caller said. ''I'm a little nervous. The laundromat across my window here, the whole sign just completely came out of its case off and is flying over the street right now.''

The power was out, she told Terry Jaye, who was taking calls on WJJR. Her house was shaking from the high winds and it had no heat. She didn't know who else to call.

''Only thing I have is my CD disc radio, listening to you guys, and a cell phone,'' she said.

When a ferocious nor'easter blew chaos into Rutland last Monday, she and others turned to WJJR. With the lights out, televisions silenced and personal computers powerless, the 50,000-watt local radio station shucked its adult contemporary music format and turned over its airwaves to listeners, giving and getting information about problems big and small.

It wasn't the first time local radio proved itself the go-to medium in time of crisis.

It happened when ice storms ravaged northern New England in 1998, it happened when Katrina devastated the Gulf Coast in 2005, it happened Monday after 70 mph winds from a nor'easter blew chaos into this small Vermont city.

When the lights go out and Google is unavailable, radio is.

''Part of it goes back to the technology,'' said former radio news director Suzanne Goucher, president of the Maine Association of Broadcasters. ''People aren't likely to have battery-powered TVs in their home, but everybody's got a car radio. What you're left with is the old reliable standby of radio. It's always on and it's always on when you need it.''

It was on at 7:30 a.m. Monday, when the winds ripped into town, snapping utility poles, blowing trees into houses and collapsing power lines in the streets. Soon, the switchboard at WJJR's studios in a downtown office building began lighting up.

The calls came from New York, Vermont and New Hampshire.

Don called to say a front window in his Victorian home had ''imploded.'' Michelle from West Rutland called to say she had no power and no telephone service. Millie's power was out, and her back yard was full of fallen trees.

''It's horrible. It hit my ex-husband's car,'' she said.

''A lot of women would be happy if it hit their ex-husband's car,'' Jaye replied.

Some people called to pass on information about impassable streets. One was looking for a pet hotel. Another warned about the hazards of operating a generator indoors.

Jaye, 52, a veteran radio personality with a soothing voice and the patience of a traffic cop, was in his element.

''I had a lady call about a generator, which she needed for her husband's oxygen tank,'' he said Tuesday, taking a break from the microphone. ''A friend of hers called the next morning to tell us that within 40 minutes of that call, a man from Springfield was on his way to her house with a generator. You hear stuff like that and go 'How cool is that?' ''

''That's as important as it gets,'' he said.

The only breaks came when there were studio guests. Mayor Christopher Louras, Fire Chief Robert Schlachter, police Officer Tim Tuttle and utility company spokesman Steve Costello all made appearances, eager to get word out about the condition of the city and the severity of the outages.

''We have 1,000 trees down,'' said Schlachter, asking callers not to bother reporting downed trees that posed no hazard. ''If it's against a car, or you see arcing and sparking or someone in a car, let us know.''

All that day and into Tuesday, as utility crews raced to address downed power lines and crippled substations, lines remained open.

Sometimes, the information they got was erroneous, and later corrected. Rutland Regional Medical Center was said to be open only for emergencies; soon after, Jaye corrected himself, saying anyone with an appointment there should go to it,

And there were callers like the one from Forest Dale, who lost power and reported winds howling ''like a train'' outside his home but appreciated having someone on the air.

''Boy, this is a real case for having radio stations that are staffed by actual live people. Thanks to you guys for getting into work and getting on the air,'' he told Jaye.

On Tuesday afternoon, WJJR started easing back into its normal format, as power began returning to many of the 50,000 homes and businesses in Rutland and elsewhere that had lost it.

Brian Collamore, 56, of sister station WSYB, also worked the impromptu storm-athon with Jaye and studio sidekick Nanci Gordon. He called situations like it the reason he got into radio in the first place.

''Satellite radio can't do this. TV can't do this. The Internet can't do this. When push comes to shove, and you're in a situation like this, this is the only medium that can do this,'' he said.

[From the Honolulu Star-Bulletin, Oct. 16, 2006]

2 STATIONS TAKE REAL-TIME LEAD—KSSK RADIO AND KITV BECOME THE PRIMARY SOURCES FOR THE LATEST NEWS AFTER THE QUAKES

(By Gary C.W. Chun)

Soon after the earthquakes hit yesterday morning, ''the coconut wireless'' kicked into high gear at KSSK radio, getting out the news as quickly as possible to anxious local listeners.

At another building, KITV was using the Internet to stream its newscast on its Web site to a worldwide audience.

The key for such rapid response: backup generators.

Also, KSSK is the state's designated emergency action system radio station, connected to the state Civil Defense, and is expected to stay on the air.

Popular morning personalities Michael W. Perry and Larry Price took over the microphones around 9 a.m., relieving on-air personality Kathy Nakagawa and director of programming Paul Wilson, who broke into recorded public-service programming an hour earlier.

''When it's something of this magnitude, it's Perry-and-Price time,'' Nakagawa said.

With the help of their listener ''posse,'' the familiar duo were the voices for the constantly flowing information, staying on the air for most of the day. Nakagawa and Wilson hung around to help. ''It feels great to be here,'' Nakagawa said. ''Those two are such a reassuring presence, just passing on the info to the public as we get it.''

''Everyone's working well in crisis mode,'' Wilson said.

''And everyone on staff that was needed came in on their own,'' Nakagawa said.

''I'm planning to stay put till the power is restored,'' said Hawaii National Guard public relations officer Maj. Chuck Anthony, who was at the KSSK studios. ''Coincidentally, the Guard is on drill weekend, with about 5,000 at the ready at duty stations and armories. We're just waiting to get damage assessment teams assembled.''

Simulcasting on most of the other Clear Channel-owned stations, chief engineer Dale Machado, looking at all the activity around him, said ''when something like this happens, it's back to basics. You dig out your transistor radio and turn it on for the news.''

Regular morning newscaster Julia Norton-Dennis and assistant Gina Garcia were busily screening phone calls in the adjoining room to the on-air studio, occasionally typing up messages to send to Perry and Price for their immediate attention. Announcements about the cancellation and postponement of scheduled events and airline flights, the occasional emergency tip and the inevitable ''will there be school tomorrow?'' were all taken care of on air.

Gov. Linda Lingle called the station around 1 p.m. for her latest assessment of the disaster that struck especially close to her, having stayed at the Mauna Lani Bay Hotel in Kohala the previous night.

JUST AS KSSK was able to stream its audio on its Web site, KITV was doing the same thing, albeit with the additional help of its news staff and technicians.

KHON and KGMB were unable to stream their newscasts, although they did broadcast newscasts and updates when power was available.

KHNL/KFVE Internet coordinator Mike Strong said that with the help of a fellow Raycom station in Tyler, Texas, they were able to update information on its Web site and had set up a Yahoo! address to have people send digital photos of quake damage and information.

Photos were also sent to KITV, which inserted some of them into the streaming newscast.

KITV General Manager Mike Rosenberg said that anchor Pamela Young started it off around 8:15 a.m. from the update desk, with Paula Akana and Shawn Ching joining later.

''Coincidentally, we were in the process of doing emergency continuity planning, in light of what happened to our sister Hearst-Argyle-owned station in New Orleans after Hurricane Katrina,'' said Rosenberg. ''We realized that even though we're not on the air, we could start streaming our newscast on the Internet.''

CNN's pipeline premium subscriber service even picked up the KITV Webcast for further distribution on the Net.

Managing Editor Brent Suyama said that the station's site would easily approach 1 million hits yesterday. ''I've already received dozens of e-mails from people everywhere thanking us for doing this. I even received one as far as South Africa from a man who wanted to check on his mom.''

[From the Dotham Eagle, Mar. 14, 2007]

TV WEATHER REPORT SAVES LIFE

(By Lance Griffin)

ENTERPRISE.—The sound of a backhoe moving debris next door rumbled as Gwen Black stood outside what is left of her Henderson Street home.

A blue Enterprise High School stadium cushion rests in a tree in her yard. It is one of the few trees left standing in this neighborhood. An American flag flies from one of its branches.

She still has moments when the tears come. This is one of them. It is almost two weeks after the March 1 tornado, but everything around her is a reminder of that terrible afternoon.

''I'll be glad when they knock this house down so I don't have to see it anymore,'' she said.

But Black is alive. She doesn't know how long she spent in the hall of her modest brick house. Sometimes, it feels like seconds, sometimes, hours. What she does know is a television weather alert saved her life along with the lives of most of her family.

Black, her three grandchildren, younger sister and her son were home watching television that afternoon when Dothan television station WDHN interrupted programming for a special weather bulletin. A tornado had been spotted on the ground in Enterprise. Meteorologist Greg Dee warned residents.

''I just remember him saying 'Enterprise, take cover now,' '' Black recalled.

Black and the others were in the living room at the front of the house. She ordered everyone to the home's interior hallway. She held the remote control in her hand and turned up the volume as she backed into the hall.

At the same time, the twister was ravaging Enterprise High School. Black's home sits across the street from the football stadium. She and her husband bought the house last July, the first house they ever bought together.

''That's when the power went out and the roof blew off,'' she said.

Black said she remembers reaching her arms around her grandchildren, trying to protect them from flying glass and other debris tossed into their home.

''We were screaming, yelling and crying,'' Black said.

When the storm passed, much of the home was gone. The interior hall, however, remained. Black said a fireman responded almost immediately and took them to safety. Everyone was fine, other than a few scrapes and minor cuts from the glass. When she walked outside, something was missing.

''Where is our car-'' she asked.

The wind snatched the Black's 2005 Mazda Tribute and tossed it into a back room of the house.

A few days later, a relative sent an e-mail to WDHN, letting management know Dee's report spurred the family to act.

Black and Dee met for the first time Tuesday at the Henderson Street home. Black cried and her hands trembled as she embraced Dee.

''If it hadn't been for you, we would have been dead. I know it,'' she said.

Dee walked through the destroyed home as Black showed him where the family huddled to avoid the storm.

''You talk about it on television, but when you see it first-hand, it brings it home,'' Dee said. ''Just the fact we were able to make a difference means something. When I got that e-mail on my desk and read it, I just welled up.''

Workers will tear down what is left of Black's home soon, but she plans to rebuild there.

''No tornado is going to move us away,'' she said.

By Mr. BROWNBACK (for himself, Mr. SMITH and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Jerusalem Resolution''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Jerusalem has been the capital of the Jewish people for 3,000 years.

(2) Jerusalem has never been the capital for any other state other than for the Jewish people.

(3) Jerusalem is central to Judaism and is cited in the Tanach, the Hebrew Bible, 766 times.

(4) Jerusalem is not mentioned by name in the Koran.

(5) Every sovereign nation has the right to designate its own capital.

(6) Jerusalem is the seat of the Government of Israel, including the President, the parliament, and the Supreme Court.

(7) United States law states as a matter of United States policy that Jerusalem should be the undivided capital of Israel.

(8) Israel is the only country in which the United States neither maintains an embassy in the city designated as the capital by the host country nor recognizes such city as the capital.

(9) The citizens of Israel should be allowed to worship freely and according to their traditions.

(10) Israel supports religious freedom for all faiths.

(11) Relocating the United States Embassy in Israel from Tel Aviv to Jerusalem would

express the continued support of the United States for Israel and for an undivided Jerusalem.

(12) The year 2007 marks the 40th anniversary of the reunification of Jerusalem.

SEC. 3. LOCATION OF UNITED STATES EMBASSY IN ISRAEL.

Not later than 180 days before recognizing a Palestinian state, the United States shall move the United States Embassy in Israel from Tel Aviv to Jerusalem.

SEC. 4. RECOGNITION OF ISRAEL AS UNDIVIDED CAPITAL OF ISRAEL.

The United States shall not recognize a Palestinian state until the international community resolves the status of Jerusalem by recognizing the city as the undivided capital of Israel.

SEC. 5. SENSE OF CONGRESS REGARDING FREEDOM OF WORSHIP.

It is the sense of Congress that the citizens of Israel should be allowed, as a fundamental human right recognized by the United States and United Nations General Assembly resolution 181 of November 29, 1947, to worship freely and according to their traditions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—MEMORIALIZING FALLEN FIREFIGHTERS BY LOWERING THE UNITED STATES FLAG TO HALF-STAFF ON THE DAY OF THE NATIONAL FALLEN FIREFIGHTER MEMORIAL SERVICE IN EMMITSBURG, MARYLAND

Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 171

Whereas 1,100,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous professions in the United States;

Whereas fire service personnel selflessly respond to over 22,500,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved, That this year, the United States flags on all Federal facilities should be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

Ms. COLLINS. Mr. President. I rise to submit Senate Resolution 171 to memorialize our country's fallen firefighters by lowering U.S. flags to half-staff each year on the day of National Fallen Firefighters Memorial Service.

As a co-chair of the Congressional Fire Services Caucus, it is my honor to sponsor the tribute to some of America's bravest and most dedicated public servants. I am pleased that Senators BIDEN, MCCAIN, MIKULSKI, CARPER, and DODD have joined me in sponsoring this resolution.

More than a million men and women work in the fire service in the United States. They respond to more than 22 million emergencies every year, including not only fires, but accidents, medical emergencies, hazardous spills, and terror attacks.

And each year, about 100 of these brave firefighters die in the line of duty, often in circumstances too terrifying and agonizing for us to imagine. The sad toll in 2006 was 105 firefighters.

Recognizing the many dangers of our firefighters' profession and the essential public service that they selflessly provide, Congress has taken practical steps to ensure that firefighters possess the equipment and other resources needed to safely fulfill their many missions. For example, in 2001, Congress created the Assistance to Firefighters Grant Program, otherwise known as the Fire Act Grants, which fire departments—including many in Maine—have used to buy much-needed equipment and to fund training, health, and fitness programs.

Congress has also taken symbolic steps to honor the brave firefighters who have died in the line of duty. Under the leadership of our retired colleague senator Paul Sarbanes, Congress established the non-profit National Fallen Firefighters Foundation to honor America's fallen firefighters and to support their families.

The Foundation maintains the official national memorial to fallen firefighters in Emmitsburg, MD, and conducts an annual memorial weekend that draws thousands of firefighters and the families from around the country.

The memorial weekend, begun in 1982, will be held this year October 5 through 7, including a memorial service on Sunday, October 7.

The resolution I submit today would provide another demonstration of our respect and appreciation for our fallen firefighters. It would direct that flags on all Federal facilities would be lowered to half-staff each year on the day of the memorial service.

Our firefighters risk their lives every day for their fellow citizens. It is fitting that we offer this simple but richly symbolic tribute to all those firefighters who have given their lives in our defense.

SENATE RESOLUTION 172—COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. WARNER (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy.

SA 966. Mr. PRYOR (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 967. Mr. CHAMBLISS (for himself, Mr. GRAHAM, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 969. Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. KERRY, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 973. Ms. SNOWE (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 974. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 976. Mr. WARNER (for himself, Mr. WEBB, Mr. SMITH, Mr. KERRY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 978. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 979. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 980. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 981. Mr. LAUTENBERG (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the end of title II of division C, insert the following:

SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term ''mathematics coach'' means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term ''secondary school'' means a school that provides secondary education, as determined under State law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $130,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (l)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any state educational agency under this section shall be not less than $500,000.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy

of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (l); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) CONFLICT OF INTEREST.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) APPLICATION.—

(A) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) CONSORTIA.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) AWARD BASIS.—

(A) PRIORITY.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) AMOUNT OF GRANTS.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY REQUIREMENTS.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

SA 966. Mr. PRYOR (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''eligible entity'' means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms ''Phase I'' and ''Phase II'' mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term ''pilot program'' means the SBIR–STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term ''SBIR Program'' has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term ''STEM college student'' means a college student in the field of science, technology, engineering, or math.

(b) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish an SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) AWARDS.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 967. Mr. CHAMBLISS (for himself, Mr. GRAHAM, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 8, line 2, insert ''(including a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061))'' after ''education''.

On page 17, line 22, insert ''(including a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061))''after ''academia''.

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPEDITED NAME CHECKS FOR ALIENS WITH ADVANCED DEGREES.

Notwithstanding any other provision of law, the head of U.S. Citizenship and Immigration Services may request that the Director of the Federal Bureau of Investigation expedite a name check carried out for immigration purposes, except for naturalization purposes, for an alien with an advanced degree in science, technology, engineering, mathematics, or medicine who has previously been admitted to the United States as a nonimmigrant to perform advanced research or serve as a medical doctor.

SA 969. Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. KERRY, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 1407. ADVANCED TECHNOLOGY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated pursuant to section 1401—

(1) $65,000,000 shall be available in fiscal year 2008 for new grants or contracts through the Advanced Technology Program authorized under section 28 of the Act of March 3, 1901 (15 U.S.C. 278n);

(2) $80,000,000 shall be available in fiscal year 2009 for new grants or contracts described in paragraph (1);

(3) $100,000,000 shall be available in fiscal year 2010 for new grants or contracts described in paragraph (1); and

(4) $100,000,000 shall be available in fiscal year 2011 for new grants or contracts described in paragraph (1).

(b) ANNUAL REPORT.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

''(j) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary, in consultation with the Director, shall submit a report to Congress that describes—

''(1) the activities undertaken through the Program during the previous year;

''(2) the status of all investments made in prior years and their impact on the economic competitiveness of the United States; and

''(3) any other matters that the Director determines to be appropriate.''.

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 164, strike lines 11 through 22 and insert the following:

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P-16 education data system to the purposes and functions set forth in subparagraph (E) and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P-16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions set forth in subparagraph (E), and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions set forth in subparagraph (E); and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P-16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P–16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P-16 education data systems for any purpose other than as authorized by this Act, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use of the unique identifiers employed in statewide P-16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy by minimizing to the extent practicable the use of unique identifiers by both governmental and nongovernmental entities.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the establishment or improvement of the statewide P–16 education data system; and

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SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HIGH-PERFORMANCE COMPUTING.

(a) HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(2) in section 101—

(A) in subsection (a)—

(i) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as redesignated—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as redesignated, the following:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(IV) by inserting after subparagraph (D), as redesignated, the following:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(v) in paragraph (3), as redesignated—

(I) in the matter preceding subparagraph (A), by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(II) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(III) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(IV) in subparagraph (D)—

(aa) by inserting "and for each Program Component Area" after "participating in the Program"; and

(bb) by inserting "and" at the end;

(V) by striking subparagraph (E);

(VI) by redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as redesignated, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" before the period at the end;

(B) by amending subsection (b) to read as follows:

"(b) ADVISORY COMMITTEE.—(1) The President shall establish the Advisory Committee on High-Performance Computing (referred to in this subsection as the 'Advisory Committee'), which shall be composed of representatives of the research, education, and library communities, network providers, and industry, who are specially qualified to provide the Director with advice and information on high-performance computing.

"(2) The Director shall consider recommendations received from the Advisory Committee in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of—

"(A) progress made in implementing the Program;

"(B) the need to revise the Program;

"(C) the balance between the components of the Program, including funding levels for the Program Component Areas;

"(D) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in high-performance computing and networking technology; and

"(E) other issues identified by the Director.

"(3) The Advisory Committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program.

"(4) Not later than 1 year after the date of the enactment of the America COMPETES Act, and not less frequently than once every 2 years thereafter, the Advisory Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives that summarizes—

"(A) the results of the assessments and evaluations conducted under this subsection; and

"(B) recommendations submitted to the Director.

"(5) Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee."; and

(C) in subsection (c)(1)(A), by striking "Program or" and inserting "Program Component Areas or".

(b) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations, supercomputer systems (including vector supercomputers and large scale parallel systems)" and inserting "supercomputer systems"; and

(B) by striking "and applications and systems software" and inserting "applications and systems software, and the management of large data sets";

(3) in paragraph (4), by striking "packet switched";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

''(7) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.''.

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Section 1401 is amended to read as follows:

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, $793,611,000, of which $205,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, $863,972,000, of which $210,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, $941,369,000, of which $215,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, $1,026,506,000, of which $220,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SA 973. Ms. SNOWE (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

SA 974. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 8, strike lines 7 through 9 and insert the following:

(10) the extent of damage resulting from the Gulf Coast hurricanes of 2005 to technology-based clusters in the declared disaster areas relating to those hurricanes, and recommendations for Federal and State policies to retain and expand those clusters;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

SA 975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 78, strike line 21 and insert the following:

''(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.

''(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

''(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

''(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

''(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

''(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

''(C) to increase the use of effective instructional practices; and

''(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

''(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

''(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

''(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

''(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

''(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

''(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

''(f) FEDERAL AND NON-FEDERAL SHARES.—

''(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

''(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

''(2) provide equal consideration to States without National Laboratories.

''(h) USES OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

''(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

''(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

''(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

''(ii) classroom management;

''(iii) professional development;

''(iv) parental involvement; and

''(v) school management; and

''(C) provide high-quality and continuous teacher and staff professional development.

''(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

''(A) the science of energy;

''(B) the sources of energy;

''(C) the uses of energy in society; and

''(D) the environmental consequences and benefits of all energy sources and uses.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $1,000,000 for each of fiscal years 2008 and 2009; and

''(2) $2,000,000 for each of fiscal years 2010 and 2011.''.

SA 976. Mr. WARNER (for himself, Mr. WEBB, Mr. SMITH, Mr. KERRY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 208, after line 2, add the following:

SECTION 4015. OFFICE OF MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the ''Minority Serving Institution Digital and Wireless Technology Opportunity Act''.

(b) ESTABLISHMENT OF OFFICE.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating section 16 (42 U.S.C. 1875) as section 17; and

(2) by inserting after section 15 the following:

"SEC. 16. OFFICE OF MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Foundation the Office of Minority Serving Institution Digital and Wireless Technology to carry out the provisions of this section.

''(2) PURPOSES.—The Office shall—

''(A) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by awarding grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

''(B) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

''(b) ACTIVITIES SUPPORTED.—An eligible institution may use a grant, contract, or cooperative agreement awarded under this section to—

''(1) acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, and infrastructure;

''(2) develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

''(3) provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or in other instructional settings;

''(4) implement joint projects and consortia to provide education regarding technology in the classroom with a State, State education agency, local education agency, community-based organization, national non-profit organization, or business, including a minority business;

''(5) provide professional development in science, mathematics, engineering, or technology to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications;

''(7) foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research; and

''(8) develop proposals to be submitted under this section to develop strategic plans for information technology investments.

''(c) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—

''(A) APPLICATION.—An eligible institution seeking a grant, contract, or cooperative agreement under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

''(B) PROCEDURE.—The Director, in consultation with the advisory council established under paragraph (2), shall—

''(i) promulgate a regulation that establishes a procedure by which to accept and review applications submitted under subparagraph (A); and

''(ii) publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(2) ADVISORY COUNCIL.—

''(A) ESTABLISHMENT.—The Director shall establish an advisory council to—

''(i) advise the Director on the best approaches for involving eligible institutions in the activities described in subsection (b); and

''(ii) review and evaluate proposals submitted to the program.

''(B) MEMBERSHIP.—In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues.

''(C) PROGRAM REVIEW.—Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

''(i) demonstrated need for assistance under this section; and

''(ii) diversity among the types of institutions receiving assistance under this section.

''(3) DATA COLLECTION.—An eligible institution that receives a grant, contract, or cooperative agreement under subsection (a)(2)(A) shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

''(4) INFORMATION DISSEMINATION.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under subsection (a)(2)(A) to—

''(A) foster collaboration and capacity-building activities among eligible institutions; and

''(B) disseminate information and ideas generated by such meetings.

''(d) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this section unless such institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to the lesser of—

''(A) 25 percent of the amount of the grant, contract, or cooperative agreement; or

''(B) $500,000.

''(2) WAIVER.—The Director shall waive the matching requirement under paragraph (1) for any institution or consortium that does not have an endowment that is valued at least $50,000,000.

''(e) LIMITATIONS.—

''(1) IN GENERAL.—An eligible institution that receives a grant, contract, or cooperative agreement under this section in an amount greater than $2,500,000 may not receive another grant, contract, or cooperative agreement under this section until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this section has been awarded such grant, contract, or cooperative agreement.

''(2) AWARDS ADMINISTERED BY ELIGIBLE INSTITUTION.—Each grant, contract, or cooperative agreement awarded under this section shall be made to, and administered by, an eligible institution, even when awarded for the implementation of a consortium or joint project.

''(f) ANNUAL REPORTS AND EVALUATION.—

''(1) RECIPIENT REPORT.—Each institution that receives a grant, contract, or cooperative agreement under this section shall submit an annual report to the Director on the use of the funds received through the grant, contract, or cooperative agreement.

''(2) DIRECTOR EVALUATION.—The Director, in consultation with the Secretary of Education, shall—

''(A) review the reports submitted under paragraph (1); and

''(B) on the basis of such reports, evaluate the activities authorized under subsection (b) every 2 years.

''(3) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (2)(B) shall—

''(A) describe the activities undertaken by the institutions described in paragraph (1); and

''(B) assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of such institutions.

''(4) REPORT TO CONGRESS.—The Director shall submit a report to Congress that includes—

''(A) the results of the evaluation;

''(B) such recommendations as may be appropriate, including recommendations concerning the continuing need for Federal funding to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

''(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

''(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

''(F) an institution that the Director, in consultation with the Secretary of Education, determines has enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

''(2) OFFICE.—The term 'Office' means the Office of Minority Serving Institution Digital and Wireless Technology established in subsection (a).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated pursuant to an authorization under this Act, $100,000,000 shall be made available to the Director of the National Science Foundation for each of the fiscal years 2008 through 2011 to carry out section 16 of the National Science Foundation Act of 1950, as added by this section.

SA 977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

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SA 978. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 116, strike lines 1 through 3 and insert ''**Advanced Placement, International Baccalaureate, and Concurrent Enrollment Programs**''.

On page 116, line 8, insert ''and Concurrent Enrollment programs'' after ''programs''.

Beginning on line 10 on page 116 through line 25 on page 127, strike ''Advanced Placement or International Baccalaureate courses'' each place the term appears and insert ''Advanced Placement or International Baccalaureate courses or Concurrent Enrollment courses''.

Beginning on line 1 on page 117 through line 6 on page 127, strike ''pre-Advanced Placement or pre-International Baccalaureate courses'' each place the term appears and insert ''pre-Advanced Placement or pre-International Baccalaureate courses or pre-Concurrent Enrollment courses''.

On page 118, lines 5 and 6, strike ''or International Baccalaureate services'' and insert '', International Baccalaureate, or Concurrent Enrollment services''.

On page 119, between lines 10 and 11, insert the following:

(7) CONCURRENT ENROLLMENT COURSE.—The term ''Concurrent Enrollment course'' means a course of college instruction provided to secondary school students—

(A) that is administered by an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) for which students who successfully complete the course receive college credit, as verified by an official transcript from the institution of higher education.

On page 119, lines 11 and 12, strike ''**AND INTERNATIONAL BACCALAUREATE PROGRAMS**'' and insert ''**INTERNATIONAL BACCALAUREATE, AND CONCURRENT ENROLLMENT PROGRAMS**''.

On page 120, line 14, strike ''or International Baccalaureate'' and insert '', International Baccalaureate, or Concurrent Enrollment''.

On page 124, lines 24 and 25, strike ''or International Baccalaureate'' and insert '', International Baccalaureate, or Concurrent Enrollment''.

On page 127, lines 9 and 10, strike ''or International Baccalaureate'' and insert '', International Baccalaureate, or Concurrent Enrollment''.

SA 979. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. 4015. DEFINITION OF HIGH-NEED LOCAL EDUCATIONAL AGENCY.

Paragraph (8) of section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended to read as follows:

''(8) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6,7, or 8, as determined by the Secretary; or

''(iii) that serves not fewer than 10,000 children from low-income families; and

''(B)(i) for which there is a high percentage of teachers not teaching in academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.''.

SA 980. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place in the bill, add the following:

''SEC. _____. SENSE OF THE SENATE.

''It is the Sense of the Senate that—

''U.S. Government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

''The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

''The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.''.

SA 981. Mr. LAUTENBERG (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 49, line 3, strike ''agency.'' and insert ''agency and may enter into grants, contracts, cooperative agreements, resource sharing agreements, or interagency financing with Federal, State, and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations, or other persons.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on April 25, 2007 at 9:30 a.m. in SD–106. The title of this committee hearing is, ''Challenges and Opportunities Facing American Agriculture Producers Today, Part III.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, April 25, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following legislation following bills: S. 294, S. 428, S. 924, S. 311, S. 675, S. 1142, the Identity Theft Prevention Act, and the promotion of Mr. Gribbin, in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, April 25, at 10 a.m. in Dirksen Room 226.

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 376, Law Enforcement Officers Safety Act of 2007; Leahy, Specter, Grassley, Kyl, Sessions, Cornyn, S. 119, War Profiteering Prevention Act of 2007; Leahy, Feinstein, Feingold, Schumer, Durbin, Cardin, S. 1079, Star-Spangled Banner and War of 1812 Bicentennial Commission Act; Cardin, Warner, Kennedy, S. 735, Terrorist Hoax Improvements Act of 2007; Kennedy, Kyl, Coleman, Schumer, Leahy, Grassley, Cornyn, H.R. 740, Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007; Scott, Conyers, Forbes, Boucher, Jackson-Lee, Gutierrez, Sherman, S. 221, Fair Contracts for Growers Act of 2007; Grassley, Feingold, Kohl, Leahy, Durbin, S. 495, Personal Data Privacy and Security Act of 2007; Leahy, Specter, Feingold, Schumer, S. 239, Notification of Risk to Personal Data Act of 2007; Feinstein, S. 879, No Oil Producing and Exporting Cartels Act of 2007; (Kohl, Specter, Leahy, Grassley, Feingold, Schumer, Coburn, Durbin.

III. Nominations: Robert Gideon Howard, Jr. to be United States Marshal for the Eastern District of Arkansas; Frederick J. Kapala to be United States District Judge for the Northern District of Illinois; Benjamin Hale Settle to be United States District Judge for the Western District of Washington; John Roberts Hackman to be United States Marshal for the Eastern District of Virginia.

IV. Resolutions: S. Res. 125, designating May 18, 2007 as ''Endangered Species Day''; Feinstein, Collins, Feingold, Biden, S. Res. 116, designating May 2007 as ''National Autoimmune Disease Awareness Month''; Biden, S. Res. 146, designating June 20, 2007, as ''American Eagle Day''; Alexander, Byrd, Kennedy, Feinstein, S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; Leahy, Specter, Biden, Grassley, Cornyn, Durbin.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, 2007 to hold a hearing on mental health issues. The hearing will take place in room 418 of the Russell Senate Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 10 a.m., in open session to receive testimony on whether the army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization request for fiscal year 2008 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Oversight Hearing on the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 2 p.m., to receive testimony on efforts to improve the Department of Defense's language and cultural awareness capabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open session during the session of the Senate on Wednesday, April 25, 2007, at 3:30 p.m., to receive testimony on Department of Energy atomic energy defense programs in review of the defense authorization request for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to hold a hearing during the session of the Senate on Wednesday, April 25, 2007 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, OR; S. 1116 and H.R. 902, to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; and S. 1112 and H.R. 235, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Elizabeth Goitein, a detailee from the Department of Justice in Senator FEINGOLD's Judiciary Committee office, be granted floor privileges for the remainder of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1591

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report of the supplemental appropriations bill, H.R. 1591, on Thursday, April 26, at 10 a.m., regardless of whether the Senate has yet received the papers from the House; that the time immediately following the prayer and the pledge until 12:45 p.m. be equally divided between the two leaders or their designees; and that the Senate vote, without any intervening action, provided that the message has been received in the Senate on passage of the conference report at 12:45 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 172, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 172) commemorating the 400th anniversary of the settlement of Jamestown.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, in a few short weeks, America will commemorate the 400th anniversary of the founding of Jamestown, the first permanent English settlement in the New World. It is an event that I, along with many of my fellow Virginians and Americans, have looked upon with great anticipation.

Jamestown's anniversaries have always been major national patriotic events, and this year will be no different. Visitors and dignitaries from all over the world will converge on the site, where, in 1607, CAP John Smith and his motley crew of Englishmen first stepped ashore to begin life in the New World. Commemorating the Jamestown anniversary allows Americans to not only remember the bravery of Captain Smith's crew and the founding of America but also to celebrate the democratic ideals and institutions that trace their roots to that remarkable beginning. The rule of law, the entrepreneurial spirit, representative government, and cultural diversity all originated at Jamestown and all continue to have profound effects on America today.

To recognize the impact of Jamestown and to signal Congress's support for the 400th anniversary of its founding, I introduce today this resolution. It marks the importance of Jamestown to our Nation's history and recognizes its 400th anniversary as a seminal event for the American people. Furthermore, the resolution recognizes the critical role Native Americans played in the colony's survival, notes the democratic ideals first instilled at Jamestown, and reflects on the unique confluence of cultures that made Jamestown strong and successful. With this resolution, Congress has a chance to officially record for history its support for the commemoration of the 400th anniversary of the founding of Jamestown.

Mr. President, I urge my colleagues to join me in support of this resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

ORDERS FOR THURSDAY, APRIL 26, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m., Thursday, April 26; 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 reserved for their use later in the day, with a period of morning business until 10 a.m. with Senators permitted to speak therein; with the Senate proceeding to the conference report to accompany H.R. 1591, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:15 TOMORROW

Mr. BINGAMAN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Thursday, April 26, 2007, at 9:15 a.m.

EXTENSIONS OF REMARKS

CURRENT SITUATION IN DARFUR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. SMITH of New Jersey. Madam Speaker, last week the House Committee on Foreign Relations held an important hearing on the current situation in Darfur. I am grateful to Chairman TOM LANTOS for keeping this critical issue in the spotlight of the committee.

President Omar Hassan al-Bashir has proven that he considers the people of Darfur to be merely pawns in a game that he is playing with the international community. Even as his representative is sending a letter to the UN Secretary General accepting the Heavy Support Package that is supposed to lead to a joint UN–AU protective force in the region, we are receiving news reports that his government is flying arms and heavy military equipment into Darfur under the disguise of UN and AU aircraft in order to fuel the conflict.

The gulf between Bashir's actions and his words is as wide as the callous attitude I encountered when I met with him personally in Khartoum and the desperate, deeply grieved look on the faces of the refugees I met in the camps of Darfur. It is time for the global community to stop considering Bashir as a legitimate negotiating partner and to start treating him as he is—the despotic tyrant responsible for more than 400,000 deaths and 2 million people displaced from their homes in Darfur. That is in addition to the 2 million dead and 4 million who were displaced during the war in the south.

I welcome President Bush's announcement last week that our government will be taking several new steps if the Sudanese Government does not meet its commitments. I strongly urge the President to make that window of opportunity for Bashir to finally follow through on his word extremely short. Bashir has long since lost any entitlement to one day more than is absolutely necessary to establish peace in Darfur.

In order to be effective, however, the efforts of the United States must be joined by those of the international community. We must ALL decide that NOW is the time to end this crisis. Our partners on the UN Security Council should agree immediately to the resolution that will be introduced by the United States applying new sanctions against the Sudanese Government and any individual that violates human rights or obstructs the peace process. Particularly given the revelations of the government's continued military support to the Arab militias, the Security Council must also impose an expanded embargo on arms sales to the government of Sudan, prohibit Sudan's government from conducting any offensive military flights over Darfur, and strengthen the international community's ability to monitor and report any violations.

The Government of the People's Republic of China, in particular, should take a leadership role in ending the Darfur conflict. Instead of lending money to Bashir for a new presidential palace, the Chinese Government should be pressuring him to enable the people of Darfur to live in their own homes in peace and security. I have long exhorted the Chinese Government to stop the reprehensible violation of the human rights of its own people, and I have signaled the upcoming 2008 Olympics in Beijing as a singular opportunity for the international community to insist on the respect of those rights. I applaud the outstanding efforts of Ms. Mia Farrow, one of our distinguished witnesses at the hearing, to galvanize the world to object to China's hosting of the Olympics at the same time it is ignoring the plight of our brothers and sisters suffering in Darfur. I would encourage my colleagues here in Congress to join these efforts with respect to the Olympics and to seek other measures to end the genocide.

COMMEMORATING ISRAEL'S 59TH BIRTHDAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CANTOR. Madam Speaker, today we commemorate Israel's 59th birthday. We all know some of the reasons why our 2 countries remain so close—an appreciation of democracy, human rights and peace, as well as a commitment to fighting terrorism and radicalism. But beyond the obvious lie a remarkably similar national narrative which has shaped our values and sense of national purpose.

In his recent book "Power, Faith and Fantasy: America in the Middle East," Michael Oren examines that narrative as well as the rich history of American support for a Jewish state in Israel. When William Bradford and the persecuted Puritans landed at Plymouth Rock in 1620, Bradford exclaimed "Come, let us declare the word of God in Zion." That's because the Puritans saw themselves as the New Israelites. They believed that God had finally delivered them from bondage to their new promised land. There, in freedom, they could shine a glowing light for the rest of the world to see. During the American Revolution, Oren describes, our leaders drew strong parallels to the Jews' struggle for repatriation. Thomas Jefferson and Ben Franklin even proposed for the Great Seal an image of Moses leading the Children of Israel toward the Holy Land.

This longing for freedom and tolerance in a new homeland also spawned the American democratic experiment. While our democracy remains imperfect, it has been our vision of a new, exceptional land that has motivated us to make America the greatest beacon of hope in the world. The Israelis are driven by similar desires.

Fifty-nine years ago today, Jews declared a state of their own. Several thousand had been in Nazi concentration camps just a few years prior. In Israel, they saw a 2,000-year overdue opportunity to live free of persecution in their ancestral homeland. But before they could rejoice, five Arab armies attacked the nascent state on all fronts. Israel, despite long odds, emerged victorious and finally celebrated its victory. Still, it was bittersweet, since they had lost 6,000 people, at least 1 percent of the population.

Israel chose the song Hatikva, or "The Hope," as its national anthem. Fittingly, in a small Democracy perpetually terrorized by hostile enemies surrounding its territory, hope has sustained it. Israel's territory, devoid of natural resources, has been transformed into a prosperous state. Just as the United States has represented hope to the rest of the world for years, so too does Israel represent the limitless possibilities of freedom and hope.

HONORING PATRICK TURLEY OF PALMER, MASSACHUSETTS, RECIPIENT OF THE SMALL BUSINESS ADMINISTRATION'S PHOENIX AWARD FOR SMALL BUSINESS DISASTER RECOVERY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. NEAL of Massachusetts. Madam Speaker, it is my great honor today to acknowledge Patrick Turley from Palmer, Massachusetts upon being named the recipient of the Small Business Administration's Phoenix Award for Small Business Disaster Recovery.

Patrick Turley, President of Turley Publications, received the Phoenix Award in Washington, DC today for his tremendous commitment to his community. SBA Administrator Steven Preston describes recipients of these awards as "individuals [who have] displayed tremendous courage and selflessness in the midst of the most devastating disasters ever experienced by our Agency." The SBA also describes the Phoenix Award as an acknowledgement of an individual's heroic efforts, and as "a token of appreciation for their support of the physical and economic recovery efforts in the Gulf Coast and New England States."

Turley Publications is one of New England's largest printers of community and university newspapers. Located in Palmer, Massachusetts, the company was founded in 1962 when Patrick H. and Thomas A. Turley purchased the Palmer Journal & Monson Register. From these humble beginnings, this locally owned family business has grown from 1 weekly newspaper into a chain of 15 weekly newspapers ringing the Springfield market and 3 monthly specialty publications with national circulations.

In addition, Turley Publications prints student newspapers and magazines for the 5 sister colleges in the Springfield/Holyoke region—as well as for Harvard University, Yale

University, Boston University, Boston College, Tufts University, and UMass-Amherst. Turley Publications has been printing the Daily Collegian, the UMass Amherst student newspaper, since that publication went daily in 1967. It also prints other newspapers, including the Worcester Business Journal and its sister publications Hartford Business Journal, and Mainebiz, as well as the Holden Landmark.

Today, Turley Publications remains locally owned and operated by Patrick Turley and his sons Keith and Doug. They are responsible for nearly 250 employees working in various locations. The two main production facilities are located in West Springfield and Palmer, Massachusetts.

Turley Publications was forced to stop the presses in October 2005 when floodwater caused property losses over 900 thousand dollars. I visited Turley Publications immediately after the flooding occurred and can personally attest to the severity of the damage at the Water Street facility in Palmer.

But high water didn't stop Patrick Turley from tackling the job that needed to be done. He decided he wasn't going to miss a deadline. Dedicated employees helped with the cleanup, electricity was restored, and 2 university newspapers were printed on time. Turley received an SBA disaster loan and within 5 months the plant was running once more at full capacity.

I had the honor of meeting with Patrick Turley and his wife Ann today when they visited my Washington office. I would like to echo the accolades of the Small Business Administration in recognizing Patrick Turley as an extraordinary businessman and citizen. Congratulations.

COMMON-SENSE GUN LEGISLATION IS NEEDED NOW

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today to extend my condolences to the families of the 32 Virginia Tech students and teachers who lost their lives due to senseless gun violence on April 16, 2007. I would also like the families of Columbine High School tragedy—which occurred 8 years ago on April 20th—to know that my thoughts and prayers are with them as well. As those two tragedies demonstrate, we are not doing enough to protect our schools, workplaces, homes, and communities from gun violence. In honor of all the victims of gun violence, I call on my colleagues to pass tougher gun laws, including requiring more stringent background checks and banning the use of assault weapons and high-ammunition clips.

It is a well-known fact that it takes very little time and is very easy and for individuals to buy powerful weapons in this country. In fact, depending on the state, it takes anywhere from just 2 hours to a mere 2 minutes to conduct a background check. Since it took the assailant in the Virginia Tech case only 10 minutes to get approval to buy a gun, it is no wonder that the store from which he made his purchase missed the fact that a court had ordered him to undergo outpatient treatment. Federal law states that anyone who has been adjudicated for being a "mental defective", as the assailant had, cannot purchase weapons. Had there not been an expedited process for buying a gun, and the background check relying on the self-reporting of mental illness, perhaps this tragedy could have been prevented. I support the efforts of my colleagues, Representatives MCCARTHY and DINGELL, to provide federal funding to states for computers systems that will allow them to promptly upload information about potential gun buyers from the National Instant Criminal Background Check System. As we have tragically learned, we can no longer wait for all states to get online.

Additionally, we need to renew the bans on assault weapons and high-capacity ammunition clips. We have allowed this ban to expire, every day more police officers and innocent families are in sight of criminals wielding Uzis, Tec–9s, AK–47s. And, high-capacity ammunition clips—which have no purpose other than to kill people—allowed the gunman at Virginia Tech to kill 32 students and teachers. Because of the high-capacity ammunition clips, even those who survived were left with multiple bullet wounds.

Every day that we allow to pass without a ban on assault weapons and high-capacity ammunition clips is another day that Americans are needlessly put at risk. We need to support and pass Representative McCarthy's, H.R. 1022, the Assault Weapons Ban, which would renew that ban.

I am proud to represent the 9th Congressional District, a district that is strongly in favor of getting guns off our streets. Chicago, Wilmette, Morton Grove and Evanston have laws outlawing handguns, and I think this is a great start. We need to bring that commitment to our children's safety, to the safety of our neighborhoods, and to the safety of our schools, to the rest of our country.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this chamber yesterday, April 23, 2007. Had I been present, I would have voted "yea" on rollcall votes 245, 246 and 247.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. POE. Madam Speaker, due to other Congressional business, I unfortunately missed recorded votes on the House floor on Monday, April 23, 2007.

Had I been able to vote that day, I would have voted "yea" on rollcall votes No. 245, 246, and 247.

H.R. 1338, THE PAYCHECK FAIRNESS ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. HONDA. Madam Speaker, today I rise in recognition of Equal Pay Day. Issues of equity and fairness are integral to the strength of our democracy. Pay equity, and its effect on every person in the U.S., is a vital issue and it is unconscionable that in the 21st century, the vast majority of women are still not paid fairly for their work. I look forward to the day when every person, regardless of their gender, race or ethnicity, is receiving equal pay for equal work.

According to the Census, women are paid, on average, 77 cents per one dollar earned by a man. Racial and ethnic disparities exacerbate this difference with African American women making 66 cents, Latinas making 55 cents and Asian American women making 80 cents. A recent study by the American Association of University Women reveals that the income gap between men and women widens dramatically following graduation from college, growing from a 20 percent difference immediately following graduation to a 31 percent difference ten years later. This gap persisted despite controls for numbers of hours worked, parenthood, and occupation choice.

I am a proud co-sponsor of H.R. 1338, the Paycheck Fairness Act, which will improve the remedies available to victims of wage discrimination based on sex. Passage of this legislation will be one of many societal changes we have seen over the past one hundred years of women's struggle for equality in America, but there remains much to be done. The current income gap continues to stand in the way of true equality and as a Nation we must work to close the gap faster than the current, abysmally slow, 1.5 cents per year. There are rays of sunshine to be seen on the horizon, but we cannot consider this particular battle won. I look forward to continuing the struggle for equality with my colleagues in Congress during the 110th Congress.

CELEBRATING LIFE OF MARTIE J. "JAY" ABOUSSIE, JR.

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CARNAHAN. Madam Speaker, I rise today to celebrate the life of Martie J. "Jay" Aboussie, Jr., the devoted son of Martie and LeEllen Aboussie and the loving brother of Amy Aboussie.

Jay earned a Bachelor of Arts Degree in Political Science from St. Louis University, and graduated with honors on May 14, 2005 while maintaining nearly perfect attendance in spite of his chronic health problems.

Jay's family, friends, and numerous people unknown to Jay have been inspired by his bravery, courage, and deep religious faith. He refused to surrender to the debilitating physical ailments which ultimately took his life.

Jay's leadership qualities and academic excellence were recognized by the Faculty and

Administration of Christian Brothers College High School when they selected Jay as ''Senior of The Year'' among a class of 217 seniors. Moreover, Jay was a member of the National Honor Society and was regularly on the Honor Roll at CBC.

Jay's family and high school colleagues have chosen to honor his life and preserve his memory by supporting the Martie J. ''Jay'' Aboussie, Jr. '01 Scholarship Fund at Christian Brothers College.

I commend the efforts of his friends and family in honoring Jay's life to ensure that his memory lives on.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CROWLEY. Mr. Speaker, I rise today in commemoration of the 92nd anniversary of the Armenian Genocide. On April 24, 1915, the Ottoman government ordered the deportation of 2.5 minion Armenians. Over the next year, 1.5 million Armenians had been killed or sent to the horrors of concentration camps.

April 24 lives in the hearts and minds of an Armenians. And while this day of remembrance is somber, the day also brings a sense of encouragement that stems from the success of Armenian-American communities here at home in the United States, as well as the independent nation of Armenia. This nation's independence has become a living testament of honor to the memories of the survivors and their descendents.

I have always supported the Armenian community. In 2003, I had the opportunity to visit Armenia and to plant a tree at the Genocide memorial. We must never forget the horrors that took place 92 years ago. Let us never forget the 1.5 minion Armenians who perished in 1915 and 1916. We know such mass murder is not a tragedy from a distant past, but a continuation of the failing to recognize these barbaric acts before they are executed.

Mr. Speaker, again, I wish to commemorate the 92nd anniversary of the Armenian Genocide, and I urge the leadership to bring H. Res. 106 to the floor for a vote. If we are to change the future, we must recognize the past.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. MARKEY. Mr. Speaker, today is a day of remembrance and commemoration of the Armenian Genocide, one of the darkest chapters of World War I, and the first of the series of genocides we saw in the 20th Century. We set today aside to remember, as we do every year, because it is essential to reflect upon these terrible events, but we also do so because we know that the Armenian people must continually confront and surmount the legacies and the consequences of those dark days.

The writer Milan Kundera once wrote that ''The struggle of man against power is the struggle of memory against forgetting.'' There are those that would deny the Armenian Genocide, just as there are those that deny the reality of the Nazi Holocaust. In commemorating the Armenian Genocide we collectively engage in that struggle of memory against forgetting. We do this not only to remember the past, but to reaffirm our commitment to prevent such things from ever happening again, and to strive towards making a better future for the Armenian people.

It has taken Armenia decades to reach a point where its people could enjoy their rights as a free people. Today, we have an opportunity and a responsibility to help ensure that the Armenian people can build a better future. And so, I look forward to continuing to work with the Armenian-American community and Members of the Congressional Caucus on Armenia to address the issues facing this longtime friend and important ally of the United States, so that together we build something positive, something hopeful, something good for the futute—a peaceful, prosperous and secure Armenia.

The Armenian Genocide is sometimes called the ''Forgotten Genocide.'' In fact, as most of you know, back in 1939, prior to the invasion of Poland, Adolph Hitler argued that his plans for a Jewish holocaust would in the end be tolerated by the West, stating: ''After all, who remembers the Armenians.'' But we do remember, and we shall never forget. And our memory and commemoration is stronger than the hate of those who would perpetrate the greatest crime known to humanity, the attempt to exterminate an entire people.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. LANGEVIN. Mr. Speaker, I rise today to commemorate the 92nd anniversary of the Armenian Genocide. Our voices, as well as those of Armenian-Americans across the Nation, are essential in the effort to bring needed attention to such a historic tragedy. The Armenian-American community has made tremendous contributions to our country, and their efforts and passion will help ensure that those who lost their lives will not be forgotten.

Today, we pay tribute to the memory of those who died, reflect on all those who have suffered from such prejudice, and vow to raise awareness so that such an atrocity never occurs again. As a member of the Armenian Caucus and a cosponsor of the genocide resolution, I will keep fighting to ensure that the Armenian Genocide is appropriately recognized.

It is a shame that we have not learned from our mistakes in the past regarding genocide, but it is not too late to heal these wounds and also help end atrocities occurring as we speak. To that end, we must not stand by as the situation deteriorates in Darfur. It is our duty to end this human suffering, and I will continue to work to stop this conflict and promote peace in Sudan. Together, let us make this world a better place.

As an ardent supporter of Rhode Island's Armenian-American community throughout my public service career, I am proud to join my colleagues today in honoring the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such prejudice, and never forgetting the pain that they have endured.

TRIBUTE TO THE LATE RALPH FORD JR.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise with a level of sadness to pay tribute to a good son, a good husband, a good father, a good citizen and one of Chicago's finest of the men and women in blue, Police Sargent Ralph Ford Jr.

It has been my pleasure and that of my wife to know the Ford Family for many years. I first knew Ralph's mother, Mrs. Jacqueline Ford, when she was a pioneer community activist serving on the board of the Martin Luther King Jr. neighborhood health center. She and my wife Vera have attended Carey Tercentenary AME Church together forever. I first knew Ralph well when he was a young Chicago police officer and I began to run for public office; he was a diligent and enthusiastic volunteer who was not afraid to be associated with our campaign even though I was running as an independent against the existing political machine. The fact that Ralph had attended the University of Arkansas at Pine Bluff added another star to his crown because I had attended the old Arkansas A.M. & N College before it attained University status. Being the excellent police officer that he was, Ralph made Sargent and outdistanced many of his peers. He was jovial, a good talker, had a great personality and a wonderful sense of humor.

Family meant everything to Ralph, he was totally devoted to his wife and children, he had a great affinity for other members of the family, and of course he and his mother Jackie had an absolute long-standing love affair.

Madam Speaker, Sargent Ralph Ford Jr. was an absolute credit to his law enforcement profession, the apple of his wife and family's eyes and a joy to humanity. He shall be sorely missed.

H.R. 362 AND H.R. 363

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I am encouraged by the continued development of science, technology, engineering, and mathematics (STEM) education programs in the United States as we seek to stay competitive at the global level. While H.R. 362 and 363 attempt to boost these endeavors, we have to examine at what cost and whether

that cost is commensurate with what they accomplish. H.R. 363 alone would cost $1.25 billion over 5 years and H.R. 362 represents an expenditure of $1.5 billion over 5 years.

Oddly, these duplicative bills seek to establish programs that are already in existence and expand others that have yet to show a return on their original investment. As outlined by the Statement of Administrative Policy, ''the Academic Competitiveness Council has identified 105 existing STEM education programs spending over $3 billion annually, including 45 programs that support training of STEM teachers, and found that very few of these programs demonstrated evidence-based effectiveness.''

My colleagues on the other side of the aisle would like to pour more money into programs that are simply not working. I have continued to support successful legislation like loan forgiveness for science and math teachers to encourage development in this field. I also encourage individual states to look into programs like that in New Jersey's Core Curriculum Content standards, which I was proud to work on in the New Jersey Assembly. Under this program, students are taught the highest level of math and science while also providing development of pre-engineering and design and equipping students with modern computer literacy.

Out of a sense of responsibility to our Nation's next generation, I could not in good conscience support these expensive, bureaucracy-laden bills. I will continue to support measures that are proven to work while upholding states' Constitutional right to design STEM programs which work well for them and their students.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. CONYERS. Mr. Speaker, tonight I rise to remind the world that the 24th of April marks the 92nd anniversary of the Armenian Genocide, a systematic and deliberate campaign of the Ottoman Empire to exterminate an entire people. I also rise to reaffirm my support for the adoption of the Armenian Genocide Resolution, H. Res. 106. This legislation contains a long list of U.S. and international involvement against the Armenian Genocide of 1915.

Raphael Lemkin, who coined the term 'genocide' in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century. The time is now for the Administration to describe what occurred as a genocide. There is no option for continued denial.

Atrocities which fell upon a nation almost a century ago are still crying out for commemoration. Armenia's people did not get sufficient recognition of their devastation and our government has yet to take an appropriate position in this matter. Considering how well documented the Armenian genocide is in U.S. archives and through an overwhelming body of firsthand, governmental, and diplomatic evidence, this is nothing less than a disgrace.

Previous Congresses undertook many efforts to pass legislation recognizing the Armenian Genocide. Unfortunately, all those attempts failed. Now, however, the movement to recognize the genocide has generated enough momentum that passage of this resolution is finally possible. Congressman PALLONE, Chair of the Congressional Caucus on Armenian Issues, has been a stalwart champion of this legislation.

The grassroots campaign ''End the Cycle of Genocide'' focuses on the lessons we can learn from this tragic chapter in history. We understand the horror of past genocides and recognize that mass exterminations underway today need to be stopped. We cannot remain silent as we observe from a distance how perpetrators execute their power over minorities. Now more than ever, as the world is gripped by unrest and terrorism, the memory of the Armenian Genocide underscores our responsibility to help convey our cherished traditions of respect for fundamental human rights and opposition to mass slaughter.

For these reasons, I support H. Res. 106 and call upon the President to ensure that the foreign policy of the United States reflects an appropriate level of understanding and sensitivity concerning issues related to the Armenian Genocide.

THE INTRODUCTION OF THE FAIR PAY ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Ms. NORTON. Madam Speaker, the 1963 Equal Pay Act (EPA), the first of the great civil rights statutes of the 1960s, was highly successful for close to 20 years, but it is too creaky with age to be useful today. It is long past the time to amend the EPA to meet the changed economy, where women work almost as much as men. Every year, my House colleague ROSA DELAURO and I, and scores of other Members, introduce the Paycheck Fairness Act, a bill to amend the EPA to make its basic procedures equal to those used in other antidiscrimination statutes. However, the Fair Pay Act (FPA), which Senator TOM HARKIN and I have also introduced, not only amends the EPA, but it picks up where the EPA leaves off to bring the EPA into the 21st century by taking on sex segregated jobs where gender influenced wages leaves average women workers without any remedy too long. Congresswoman DELAURO and I have long pressed for the passage of the Paycheck Fairness Act and both of us will testify at its first hearing today before the Committee on Education and Labor about what is at bottom a procedural update that should have occurred 25 years ago. I will be testifying from my own experience as the first woman chair of the Equal Employment Opportunity Commission (EEOC), when President Jimmy Carter moved the EPA and other civil rights statutes to the EEOC as parts of a historic organization when I became chair.

Along with my indispensable Senate partner, TOM HARKIN, I again introduce the Fair Pay Act to reach the average woman worker, who is often first steered to and then locked into jobs with wages that are deeply influenced by the gender of those who have traditionally held those jobs. Women are greatly underused today because of employer steering, and because of deeply rooted wage stereotypes that result in pay according to gender and not according to the skills, efforts, responsibilities and working conditions necessary to do the job. I introduce the Fair Pay Act because the pay problems of most women today stem mainly from this sex segregation between the jobs that women and men traditionally do. Two-thirds of white women, and three quarters of African American women, work in just three areas: sales and clerical, service, and factory jobs. Only a combination of more aggressive strategies can break through the ancient societal habits present throughout human time the world over, as well as the employer steering of women into women's jobs that is as old as paid employment itself.

The FPA recognizes that if men and women are doing comparable work, they should be paid a comparable wage. If a woman is an emergency services operator, a female-dominated profession, for example, she should be paid no less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should earn no less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the EPA, will not tamper with the market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. She must show that the reason for the disparity is sex discrimination, not legitimate market factors. Corrections to achieve comparable pay for men and women are not radical or unprecedented. State employees in almost half the State governments, in red and blue States alike, have already demonstrated that you can eliminate the part of the pay gap tht is due to discrimination. Twenty States have adjusted wages for women State employees, raising pay for teachers, nurses, clerical workers, librarians, and other female-dominated jobs that paid less than men with comparable jobs. Minnesota, for example, implemented a pay equity plan when they found that similarly skilled female jobs paid 20 percent less than male jobs. There often will be some portion of the gap that is traceable to market conditions, but 20 States have shown that you can tackle the discrimination gap without interfering with the free market system. The States generally have closed the discrimination gap over a period of 4 or 5 years at a one-time cost no more than 3 to 4 percent of payroll.

In addition, routinely, many women workers achieve pay equity through collective bargaining, and countless employers on their own, as they see women shifting out of vital female-dominated occupations, the resulting effects of the shortage of workers, and the unfairness to women, and are raising women's wages with pay equity adjustments. Unequal pay has been built into the way women have been treated since Adam and Eve. To dislodge such deep seated and pervasive treatment, we must go to the source, the female occupations where pay now identifies with gender and always has.

Recently, I thought we were seeing progress when the census reported last year that Black, college-educated women actually earned more than white, college-educated women, although the overall wage gap for Black women, at 65 percent, remains considerably larger than the gap for white women. No explanation was offered for the progress for Black women, but other data and information suggest that even when women seem to catch up it may not be what we had in mind. I suspect that African American women are represented disproportionately among the 50 percent of all multiple job holders who are women. I am certain that this progress for African American women also tells a tragic story. The decline in marriageable Black men, eaten alive by ghetto life, also means that many college-educated Black women are likely to be single with no need for even the short time-out for children that many white women often take that may affect their wages as compared with Black women.

The best case for a strong and updated EPA with at least the Paycheck Fairness Act occurred here in the Congress in 2003, when women custodians in the House and Senate won an EPA case after showing that women workers were paid a dollar less for doing the same and similar work as men. Had they not been represented by their union, they would have had an almost impossible task using the rules for bringing and sustaining an EPA class action suit. The FPA simply modernizes the EPA to bring it in line with later passed civil rights statutes. From my tenure as EEOC chair, I know all too well the several ways that this historic legislation needs a 21st century make-over.

We cosponsored both these two bills every year to say let's at least start with the Paycheck Fairness Act so we can be prepared to go further with the Fair Pay Act. Start where you like, but Congress should be ashamed to let another year go by while working families lose more than $200 billion annually—more than $4,000 per family—because even considering education, age, hours works and location, women are paid less than they are worth. Let's start this year to make pay worthy of the American women we have asked to go to work.

HAMAS BREAKS TRUCE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. GARRETT of New Jersey. Madam Speaker, early this morning, the day that marks the 59th year of Israeli independence, Hamas militants broke their truce by launching dozens of rockets and mortars into Israel. While no one was hurt and there was no reported damage, this is yet another setback for Middle East peace and for the kidnapped Gilad Shalit and his family who have patiently awaited his return.

Hamas remains an organization full of contradictions. While their militant wing says the cease fire is over, the political wing insists that the cease fire is to be resumed. Hamas claims that Shalit is a prisoner of war and yet they bar the Red Cross from visiting him and have offered only scant proof the he even remains alive.

There cannot be lasting peace in the Holy Land until the Palestinian people insist that all armed parties come under the control of a freely elected government. Palestinian terrorist groups operate under their own authority, planning and carrying out their attacks based on their warped view of Israeli grievances. This is just as destructive for peace-loving Palestinians as for peace-loving Israelis.

Hamas continues to call for the destruction of Israel in its official policy statements. How can Israel hope to negotiate a lasting peace if the stated goal of the other sitting government is the very annihilation of their state? There can be peace, but only if Hamas shows in word and deed that coexistence is its goal.

Until that time, the international community should support Israel, a state that abides by international treaties and is actively seeking a long-term solution to violence. As long as Hamas continues to promulgate random attacks on civilians and violate international prisoner of war standards, it cannot be trusted to sit down with the Israelis in good faith negotiations for peace.

RECOGNIZING EQUAL PAY DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. CONYERS. Madam Speaker, I rise today in observation of Equal Pay Day, a day where we recognize that women and people of color continue to suffer the consequences of inequitable pay. This day symbolizes the time in the year which wages, especially paid to American women, catch up to the wages paid to men from the previous year.

Ever since the Equal Pay Act was signed into law in 1963, the wage gap between men and women has only been closing at a slow rate. Back then, women who worked full-time year-round made 59 cents on average for every dollar earned by men. Even today, women only earn 77 cents to the dollar, which means that the gap has narrowed by less than half a cent per year. In 2006, there were 70.2 million women aged 16 and over in the workforce, which made up 46 percent of all workers, and reflected a significant increase from only 18.4 million working women in 1950. Over a working lifetime, this wage disparity costs the average American woman and her family $700,000 to $2 million in lost wages, and thus impacting social Security benefits and pensions.

With the growing rate of women in the workforce, and more families reliant upon their paychecks for livelihood, the issue of equal pay is not simply a women's issue, but a family issue. The wage gap hurts everyone because it decreases a family's income that pays for their essential needs. When women earn more, the entire family benefits.

For these reasons Madam Speaker, I am in strong support of the Paycheck Fairness Act. I hope that this Congress will bring new light to this bill do what has not been done over the past 40 years. It will be through our bipartisan efforts that we eradicate the unfair treatment of women in the labor market, and help families gain the resources they need to ensure that their children have access to a better future in the 21st century.

MR. LAMBORN CONDEMNS TRAGIC ANNIVERSARY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize but not celebrate the 40th anniversary of the legalization of abortion in the State of Colorado. On April 25, 1967, the Colorado State Legislature passed its first law legalizing abortion. Since the passage of this law, hundreds of thousands of Coloradans have lost their lives as a direct result. Today the death toll continues to mount in Colorado as well as the rest of the country, and with it the tremendous cost to our society.

What would have become of the 50 million Americans whose lives were so untimely taken from them? What discoveries will we never see? What diseases will never be cured because we allowed these lives to be taken? The loss to society, resulting from the perverse logic that the life of an ''unplanned'' child does not possess the same value as that of any other child, is staggering.

The most common medical procedure performed in the United States, abortion is also a deplorable attack on the health of American women. Abortion, though it was legalized in the name of women's health, causes immediate medical complications for over 140,000 women a year, increases the risk of premature birth in subsequent pregnancies, and results in a higher chance of infertility. Furthermore, post-abortion syndrome, which is similar to post-traumatic stress disorder, has led to untold amounts of suffering among American women. Compared to women that give birth, women who abort their unborn children are almost three times more likely to require psychological care.

I believe that our grandchildren and great-grandchildren will one day look upon abortion as we now look upon slavery, as an evil so great it tore apart the moral fabric of our Nation. While fighting slavery, the inhumane scourge of his own era, Frederick Douglass said, ''one and God makes a majority.'' Those who fight in the name of life are therefore the majority, and will ultimately prevail. I hope and pray that I will never again have to observe this dark anniversary, and promise that I will continue to do everything in my power to protect innocent lives and the well-being of women.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. BOOZMAN. Madam Speaker, due to a funeral, I was unable to return in time to vote on Monday, April 23, 2007. Please find below a listing of my missed votes and a record of my votes, had I been present.

Rollcall #245 on H. Res. 179, I am not recorded because I was absent due to a funeral. Had I been present, I would have voted ''aye.''

Rollcall #246 on H.R. 1434, I am not recorded because I was absent due to a funeral. Had I been present, I would have voted ''aye.''

Rollcall #247 on H.R. 1402, I am not recorded because I was absent due to a funeral. Had I been present, I would have voted ''aye.''

THE ISSUE OF PREDATORY LENDING PRACTICES

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to speak out on the issue of predatory lending practices within the subprime lending industry.

Madam Speaker, I have heard from countless constituents in my district regarding this issue. As you may know, Ohio has one of the highest rates of foreclosure in the country. Members of my community that I have known for years are being faced with foreclosure after owning a home for over 40 years in some cases. Seniors are being affected at a disproportionate rate. Lenders prey on seniors who have been in their homes all of their lives, and have a substantial amount of equity in their home. They promote these balloon and adjustable rate mortgages that look attractive and are affordable in their initial stages. However, after 2 years or more, these loans readjust to much higher payments with higher interest rates. For instance, one of my constituents is currently in an adjustable rate mortgage, which locked in a payment of $1088 for 2 years. After 2 years, the mortgage payment increased to $1488. Three months later the payment increased to $1715. This payment increase has had a significant impact on this individual's budget and because they are not in a position to refinance, they are currently facing foreclosure.

Creating wealth is the most fundamental and important goal of minorities that seek economic equity. One of the first steps toward creating wealth is homeownership. The equity from owning a home is often the only means to secure funding for a new business, college tuition, or retirement. Predatory lending targets low income and minority communities. It compromises the opportunity to own a home and hinders economic stability, creating greater disparities in wealth.

The nonprofit Center for Responsible Lending projects that as this year ends, 2.2 million households in the subprime market will either have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in lost home equity.

It is also projected that one out of five (19 percent) subprime mortgages originated during the past two years will end in foreclosure. This rate is nearly double the projected rate of subprime loans made in 2002, and it exceeds the worst foreclosure experience in the modem mortgage market, which occurred during the ''Oil Patch'' disaster of the 1980s.

The nonprofit Center for Responsible Lending analyzed 15.1 million subprime loans from 1998 through 2006 and found that only about 1.4 million were for first-time home buyers. Most were for refinancing. To date, more than 500,000 of those subprime borrowers have lost their homes to foreclosures. An additional 1.8 million are likely to follow as the market deteriorates. That's nearly 2.4 million lost homes.

In Ohio the foreclosure epidemic went from bad to much worse last year as the number of new cases grew by nearly 24 percent from 2005. Cuyahoga County led the state in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18 percent which is higher than the national average of 17 percent. The problem has gone from bad to worse and from worse to regress in Ohio, with 7,479 filings in February 2007 alone.

Predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto, and payday loans.

There were over 12 million Refund Anticipation Loan borrowers in 2003. Tax preparers and lenders strip about $1.57 billion in fees each year from the earned-income tax credits paid to working parents, according to a 2005 study by the National Consumer Law Center.

It is also estimated that Predatory payday lending practices cost American families $4.2 billion annually. In addition, research indicates that minorities pay on average $2,000 more per vehicle purchased than nonminorities. Predatory auto lending is taking an estimated $2 billion dollars a year out of African American communities alone.

Madam Speaker, I have been hollering about this issue since I came to Congress in 1999. It is unfortunate that the issue is being given some serious national attention only after posing a threat to corporations and financial and mortgage security industries. Last August, I along with the Financial Services Committee organized a field hearing in my Congressional District to hear from local officials and community representatives that work with this issue on a day-to-day basis. The hearing brought Ohio to the forefront of the foreclosure issue as it held rankings among the highest in the Nation.

To continue in the fight, this week, I will be introducing the Predatory Lending Practices Reduction Act. This legislation serves to accomplish three main goals: 1) Establish a federal certification program to require mortgage brokers and other agents involved in subprime loan transactions to become certified and pass a written examination that covers, among other things, Federal law relative to Truth in Lending, Fair Housing, Equal Credit Opportunity Act and other Federal legislation. 2) Sets up minimum standards as they relate to providing information to consumers as well as best practices for dispute/complaint resolution; and 3) Creates civil penalties for violations of federal law pertaining to predatory lending; In addition it addresses appraisal fraud which has become increasingly popular among predatory practices.

I commend Chairman BARNEY FRANK of the Financial Services Committee on his commitment to working on this issue. I look forward to working with the Chairman and my colleagues on a solution to an issue that has devastated minority communities for over a decade.

Thank you to my colleague Mr. CUMMINGS for organizing this effort.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JUANITA MILLENDER-MCDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. RANGEL. Madam Speaker, I rise to enter into the CONGRESSIONAL RECORD remarks on the life and work of the Honorable Congresswoman JUANITA MILLENDER-MCDONALD. Congresswoman MILLENDER-MCDONALD served seven terms for the 37th Congressional District as a Democrat in the U.S. House of Representatives. She died of cancer on April 22, 2007 at age 68.

Mrs. MILLENDER-MCDONALD was born in Birmingham, Alabama on September 7, 1938. She always placed education and women's rights in the forefront of her issues and values; after graduating from the University of Redlands with an undergraduate degree, she became a teacher for the Los Angeles Unified School District. When she attained her Master's Degree from California State University at Los Angeles, she gave up her job as a teacher to be an editor and writer for the school district. Her lifelong fight for women's rights emerged when she became the manuscript editor for Images, a textbook designed to enhance the self-esteem of young women.

Before running for local office, she was named the Director of Gender Equity Programs for the Los Angeles school district. In 1990, she was elected the first African American woman to the Carson City Council, and in 1992 the first woman to represent the 55th Assembly District in the California State Legislature in 1992. In both roles she attacked the congestion and transportation problems of California infrastructure. As an assemblywoman, she helped push the Alameda Corridor, a $1.8 billion public works project to lay new tracks and build trenches and bridges. Her concern with transportation continued in her national office.

As a member of the House, she was appointed to the Committee on Transportation and Infrastructure and its Subcommittees on Aviation and Surface Transportation. She also served on the Committee on Small Business and as one of the ranking members on the Subcommittee on Tax, Finance, and Exports. After two years in the House, she was named the Region One Democratic Whip, and was honored with the Watts Walk of Fame for her work on behalf of the 37th District. In 2006, the Congresswoman became the first African American chair of the House Administration Committee.

For her entire life, Congresswoman JUANITA MILLENDER-MCDONALD has fought for social justice. She was a leader in election reform, women's rights, and transportation solutions; she was a credit to her district and to all the people she served as a Representative of the United States. Her husband, five adult children and five grandchildren survive her. I commend her and her life's work, and ask my colleagues to recognize her memory.

NINETY-SECOND COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Ms. SOLIS. Mr. Speaker, today we solemnly commemorate the 92nd anniversary of the Armenian Genocide where, over the course of eight years, from 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate its Armenian community. During that time, more than 1.5 million Armenians suffered through mass killings, deportations, forced slavery and torture.

Once the genocide ended, many survivors rose above their anguish and terrible experiences to rebuild their lives. Armenian communities began to flourish as numerous immigrants found a new home here in the United States, as well as in my home state of California. Even though their communities discovered solace and success in America, the scars of genocide remain deeply embedded in their history and in our conscience.

If we are to pro actively engage the international community, we must realize the significance of commemorating the Armenian Genocide. Equipped with information and education, we can ensure that the legacy of the genocide endures and that atrocities such as those that befell the Armenian people never happen again.

Together we can educate, commemorate, remember, and stand united in promoting a clear message that the United States does not condone, nor does it tolerate acts of genocide.

Today we mourn the victims, pay tribute to the survivors, and stand together with all who are committed to promoting awareness about the atrocities of genocide. Today we remember to never forget.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JUANITA MILLENDER-McDONALD, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 2007

Mr. SHULER. Madam Speaker, I rise today to honor the extraordinary life of Congresswoman JUANITA MILLENDER-MCDONALD. I was saddened to learn of her passing after her courageous battle with cancer, and my thoughts and prayers are with her husband, James McDonald, Jr., their five children and five grandchildren—as well as the people of the 37th district of California.

Congresswoman MILLENDER-MCDONALD served this Congress honorably for over five terms, during which time she was a tireless advocate for underserved communities in the U.S. and around the globe. Among her many accomplishments, Congresswoman MILLENDER-MCDONALD secured critical funding for counseling services for our servicemen and women returning from Iraq and Afghanistan, and was instrumental in the passage of important AIDS-prevention programs in Africa. The Congresswoman was also a staunch advocate for the rights of women, minorities, children, and the elderly.

Congresswoman MILLENDER-MCDONALD will also be remembered as a preeminent leader and trailblazer. She was the first-ever African-American or woman to chair the Committee on House Administration where she worked hard to ensure that all Americans would be guaranteed their rights at the voting booth. As the Democratic Chair of the Congressional Caucus for Women's Issues, Congresswoman MILLENDER-MCDONALD convened groundbreaking meetings with then-UN Secretary-General Kofi Annan to discuss global poverty programs, as well as the New York Stock Exchange to find ways to empower women in the workplace.

Madam Speaker, Congresswoman MILLENDER-MCDONALD led an exemplary life of public service that included her most recent position as the "Mayor of Capitol Hill". The House community lost a true friend. May God rest her soul.

HONORING THE OREGON-DAVIS HIGH SCHOOL BOYS' BASKETBALL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DONNELLY. Madam Speaker, today I rise to express my congratulations to the Oregon-Davis boys' basketball team for winning the Indiana 1–A boys' basketball state championship on March 24, 2007. The Bobcats' victory comes just 3 weeks after the Lady-Bobcats captured the 1–A girls' State crown with a 54–46 victory in the title game. This is the first time in Indiana High School Basketball history that both the boys' and girls' State basketball titles were won by the same school in the same year.

The Bobcats' 63–52 victory over the Barr-Reeve Vikings was the crowning achievement to an almost perfect season. Oregon-Davis finished with a record of 27–1 and held the top ranking in Division 1–A for most or the season. The Bobcats' win was led by the individual performances of seniors Justin Egger and Nathan Ferch who scored 19 and 18 points, respectively, the victory was a team effort, The boys made 20 of 25 free throws throughout the game, tying the Indiana record for most free throws in a State championship.

The Bobcats' varsity roster consisted of 11 young men, including seniors Justin Egger, Nathan Ferch, Brandon Johnston, Joseph Baughman, Austen Cornell, and Adam Pflugshaupt; juniors Daniel Henigsmith, Ryne Sweeney, Andy Lawrence, and Josh Taylor; sophomore Mike Wood; and freshmen Travis Collings and Nick Hofferth. Following the game, Adam Pflugshaupt was awarded with the prestigious Arthur L. Tester "Award for Mental Attitude" for his excellence in leadership, scholarship, and athletic ability.

The boys were supported throughout the season by the dedicated coaching staffed by Head Coach Travis Hannah; assisted by coaches Ryan Reese, Jim Ash, and Shaun Johnston; and managed by Brandon Surma. School administrators such as Superintendent William Rentschler, Principal Greg Biles, and Athletic Director Will Hostrawser must also be recognized for their crucial role in the team's success.

Finally, recognition must be given to the school community of Oregon-Davis and its surrounding areas for the enthusiastic support of the team both during the season and in the State finals. Despite Oregon-Davis's enrollment of only 246, the athletic department sold over 1,800 tickets to Bobcat fans who then traveled to Indianapolis to support the team in the State finals. This show of support no doubt was instrumental in the team's victory.

Again, I offer my congratulations to the Bobcats' boys basketball team, as well as to all Oregon-Davis students, staff, and supporters for the team's outstanding achievements in the 2006–2007 basketball season.

HONORING THE PLYMOUTH HIGH SCHOOL BOYS' BASKETBALL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DONNELLY. Madam Speaker, today I rise before you to offer a word of congratulations to the Plymouth High School boys' basketball team. The Pilgrims were crowned Division 3A Indiana state basketball champions on March 24, 2007, at Indianapolis's Conseco Fieldhouse. Plymouth captured the state title with a 72–61 victory over Evansville's Benjamin Bosse High School.

The boys worked tirelessly throughout the season and compiled an overall record of 25–2. This season's efforts bested the team's 2005 finish of State runner-up. This is only the second time in the school's history that the boys' basketball team has captured the State title, and this season's triumph marks the 25th anniversary of the school's 1982 championship season.

This year's team was led by seniors Jason Renz, Jared Wendel, Chad Clinton, Jacob Palmer, and Bryron Faulstich. Other members of the team include juniors P.J. Gretter, Randy Davis, Nick Neidlinger, Sam Faulstich, Ryan Welch, and Blaine Schafer, and sophomore Jeremy Renz. Randy Davis and Jared Wendel gave impressive individual performances in the championship game, scoring 28 and 20 points, respectively. Individual honors were also bestowed upon Jason Renz as he was awarded the prestigious Arthur L. Trester Mental Attitude Award for his distinguished leadership, scholarship, and athletic ability.

This team's achievements would not have been possible without the support of a wide variety of coaches and school officials. Head Coach Jack Edison—in his 34th season of coaching at Plymouth—and his assistant staff of John Scott, Michael Edison, Joel Grindle, Zach Scott, Tony Plothow, and Tom Isenbarger provded the players with guidance both on and off the court. Administrators such as Superintendent Dr. John Hill, Principle Richard Tobias, and Athletic Director Roy Benge must also be recognized for their efforts in support of the team's continued success. Last, but certainly not least, all the Plymouth fans, and in particular the always energetic student body, should be recognized for their enthusiasm and pride in the team.

The 2006–2007, Plymouth boys' basketball team has secured a place in the storied history of Indiana high school basketball. I offer my congratulations to the members of the team, the coaching staff, the school, and the greater Plymouth community on their accomplishments throughout the season.

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, April 26, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

2 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine Halliburton and United States business ties to Iran.
SR–253

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Federal government's role in empowering Americans to make informed financial decisions.
SD–342

MAY 1

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.
SD–342

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air service to small and rural communities.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine No Child Left Behind Reauthorization, focusing on measuring progress and supporting effective interventions.
SD–106

Judiciary
To hold hearings to examine process patents.
SD–226

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine conservation policy recommendations for the farm bill.
SR–328A

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine S. 129, to study and promote the use of energy-efficient computer servers in the United States, S. 838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, and H.R. 1126, to reauthorize the Steel and Aluminum Energy Conservation andTechnology Competitiveness Act of 1988.
SD–366

Armed Services
SeaPower Subcommittee
To hold hearings to examine the Department of Defense transportation programs in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SR–222

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine Electronic On-Board Recorders (EOBR's) and truck driver fatigue reduction.
SR–253

Intelligence
To hold hearings to examine the Foreign Intelligence Surveillance Act (Public Law 95–511).
SD–106

MAY 2

9:15 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine United States trade relations with China.
SR–253

10 a.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine strengthening the security of international travel documents, focusing on interrupting terrorist travel.
SD–226

10:30 a.m.
Aging
To hold hearings to examine the Nursing Home Reform Act (Public Law 100-203), focusing on what has been accomplished and what challenges still remain.
SD–628

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement.
SD–366

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the government of the District of Columbia, focusing on the federally-funded entities.
SD–192

MAY 3

9:30 a.m.
Armed Services
To hold hearings to examine the United States Central Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SD–106

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2088 for the Office of the Secretary of the Senate and the Library of Congress.
SD–124

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Housing and Urban Development.
SD–138

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, S. 647, to designate certain land in the State of Oregon as wilderness, S. 1139, to establish the National Landscape Conservation System, H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for otherpurposes, H.R. 356, to remove certain restrictions on the Mammoth Community WaterDistrict's ability to use certain property acquired by that Districtfrom the United States, S. 205, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska, and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.
SD–366

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

9:30 p.m.
Indian Affairs
To hold hearings to examine S. 310, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.
SR–485

MAY 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.
SR–328A

Veterans' Affairs
To hold hearings to examine benefits legislation.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

MAY 16

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

MAY 17

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine health legislation.
SD–562

Daily Digest

HIGHLIGHTS

The House agreed to the Conference Report to accompany H.R. 1591, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

Senate

Chamber Action

Routine Proceedings, pages S5013–S5121

Measures Introduced: Twenty-one bills and three resolutions were introduced, as follows: S. 1204–1224, S.J. Res. 12, and S. Res. 171–172. **Pages S5085–86**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007". (S. Rept. No. 110–56)

S. Res. 116, designating May 2007 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. Res. 125, designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. Res. 146, designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. **Pages S5084–85**

Measures Passed:

America COMPETES Act: By 88 yeas and 8 nays (Vote No. 146), Senate passed S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy, and after taking action on the following amendments proposed thereto: **Pages S5020–72**

Adopted:

Bingaman (for McCaskill/DeMint) Modified Amendment No. 931, to provide for a review by the Comptroller General of the activities, grants, and programs carried out under the Act. **Pages S5030–31**

Bingaman (for Obama) Modified Amendment No. 923, to expand the pipeline of individuals entering the science, technology, engineering, and mathematics fields to support United States innovation and competitiveness. **Pages S5030–31**

A unanimous-consent agreement was reached providing that notwithstanding adoption of the Obama Amendment No. 923 as modified, that the DeMint Amendment No. 929 agreed to on Tuesday, April 24, 2007, still be in order. **Page S5045**

Bingaman (for Snowe/Kohl) Amendment No. 941, to clarify the types of expenses available to Regional Centers under the Hollings Manufacturing Extension Partnership program in meeting their non-Federal funding commitment. **Pages S5030–31**

Bingaman (for Levin/Voinovich) Amendment No. 960, to include the Great Lakes in research, development, and science education programs of the National Oceanic and Atmospheric Administration. **Pages S5030–31**

Bingaman (for Obama) Modified Amendment No. 905, to require the Director of Mathematics, Science, and Engineering Education to establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering. **Pages S5033–34**

Inhofe Modified Amendment No. 955, to protect American competitiveness. **Pages S5033, S5046**

Kohl Amendment No. 942, to increase the amounts authorized to be appropriated for the Manufacturing Extension Partnership Program. **Pages S5045–46, S5057**

Bingaman (for Grassley) Modified Amendment No. 915, to modify provisions relating to the advanced placement and international baccalaureate program. **Pages S5057–58**

Bingaman (for Grassley) Modified Amendment No. 916, to modify provisions relating to the summer institutes program. **Pages S5057–58**

Bingaman (for Obama) Modified Amendment No. 924, to establish summer term education programs. **Pages S5057–59**

Bingaman (for Menendez) Modified Amendment No. 926, to establish a laboratory science pilot program at the National Science Foundation. **Pages S5057–59**

Bingaman (for Coleman/Pryor) Modified Amendment No. 944, to provide for mathematics and science partnership bonus grants. **Pages S5057–59**

Bingaman (for Baucus) Amendment No. 950, to provide that 21st century learning skills are included in the alignment of education programs. **Pages S5057–60**

Bingaman (for Baucus) Amendment No. 951, to allow distance learning projects as an optional activity for the foreign language partnership program. **Pages S5057–60**

Bingaman (for Baucus) Modified Amendment No. 952, to require the Secretary of Commerce to collect data and conduct a study relating to export and import of services. **Pages S5057–60**

Bingaman (for Hatch) Modified Amendment No. 957, to improve the provisions relating to eligible recipients in a program designed to prepare teachers for a competitive tomorrow. **Pages S5057–60**

Bingaman (for Dorgan) Amendment No. 958, to provide for a feasibility study with regard to a free online college degree program. **Pages S5057–60**

Bingaman (for Murray) Modified Amendment No. 965, to improve mathematics instruction. **Pages S5057–62**

Bingaman (for Feingold) Modified Amendment No. 970, to amend the data privacy provisions regarding statewide P–16 education data systems. **Pages S5057–63**

Bingaman (for Landrieu) Amendment No. 975, to require the Secretary of Energy, acting through the Director of Mathematics, Science, and Engineering Education, to provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses. **Pages S5057–63**

Bingaman (for Murray) Amendment No. 977, to encourage members of the Armed Forces to participate in programs for master's degrees in mathematics, science, or critical foreign languages education. **Pages S5057–63**

Bingaman (for Alexander/Bingaman) Amendment No. 980, to express the sense of Senate regarding policies related to deemed export control. **Pages S5057–63**

Bingaman (for Crapo/Schumer) Amendment No. 956, to express the sense of the Senate regarding concerns that United States capital markets are losing their competitive edge in intensifying global competition, and to recommend that Congress and the Administration take the necessary steps to reclaim the preeminent position of the Untied States in the global financial services marketplace. **Page S5064**

Bingaman (for Snowe) Amendment No. 973, to include the Administrator of the Small Business Administration on the President's Council on Innovation and Competitiveness. **Page S5068**

By 82 yeas and 14 nays (Vote No. 145), Coburn Amendment No. 922, to promote transparency at the National Oceanic and Atmospheric Administration. **Pages S5047–52, S5066**

Rejected:

By 24 yeas and 74 nays (Vote No. 141), Bingaman (for Sununu) Amendment No. 938, to strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation. **Pages S5020–23**

By 22 yeas to 71 nays (Vote No. 142), DeMint Amendment No. 930, to prohibit congressional earmarks of funds appropriated pursuant to authorizations in the bill. **Pages S5029–30, S5056–57**

By 27 yeas and 67 nays (Vote No. 143), Coburn Amendment No. 918, to provide a sunset date. **Pages S5046–47, S5057**

By 39 yeas and 57 nays (Vote No. 144), Coburn Amendment No. 921, to discontinue the Advanced Technology Program of the National Institute of Standards and Technology. **Pages S5052–56, S5063–64**

Withdrawn:

Bingaman (for Sanders) Amendment No. 936, to increase the competitiveness of American workers through the expansion of employee ownership. **Page S5023**

Grassley Amendment No. 914, to increase the fee to be paid by employers of H–1B nonimmigrants and to set aside 25 percent of such fees to improve programs and projects for gifted and talented students. **Pages S5034–35**

Commemorating the 400th Anniversary of the Settlement of Jamestown: Senate agreed to S. Res. 172, commemorating the 400th anniversary of the settlement of Jamestown. **Pages S5120–21**

Emergency Supplemental Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing that Senate begin consideration of the conference report to accompany H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30,

2007, at 10 a.m., on Thursday, April 26, 2007, regardless of whether the Senate has received the papers from the House of Representatives, that the time until 12:45 p.m., be equally divided between the two Leaders, or their designees, and that Senate vote, provided that the message has been received in the Senate, on adoption of the conference report at 12:45 p.m. on Thursday, April 26, 2007. **Page S5120**

Messages From the House: **Page S5080**

Measures Referred: **Page S5080**

Petitions and Memorials: **Pages S5083–84**

Executive Communications: **Pages S5080–83**

Executive Reports of Committees: **Page S5085**

Additional Cosponsors: **Pages S5086–88**

Statements on Introduced Bills/Resolutions: **Pages S5088–S5112**

Additional Statements: **Pages S5079–80**

Amendments Submitted: **Pages S5112–19**

Authorities for Committees to Meet: **Pages S5119–20**

Record Votes: Six record votes were taken today. (Total—146) **Pages S5023, S5057, S5063–64, S5066, S5068–69**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:08 p.m., until 9:15 a.m. on Thursday, April 26, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5121.)

Committee Meetings

(Committees not listed did not meet)

AMERICAN AGRICULTURAL PRODUCERS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine challenges and opportunities facing American agricultural producers, focusing on farm programs and the commodity title of the farm bill, after receiving testimony from Tom Buis, National Farmers Union, David Beckmann, Bread for the World, and Larry Mitchell, American Corn Growers Association, all of Washington, D.C.; Bob Stallman, American Farm Bureau Federation, Columbus, Texas; Bill Flory, American Farmland Trust, Winchester, Idaho; John Hoffman, American Soybean Association, Waterloo, Iowa; John Pucheu, National Cotton Council, Tranquility, California; Ken McCauley, National Corn Growers Association, White Cloud, Kansas; Everett Tallman, National Association of Wheat Growers, Brandon, Colorado; Paul T. Combs, USA Rice Federation, Kennett, Missouri, on behalf of the U.S. Rice Producers Association; Evan Hayes, National Barley Growers Association, American Falls, Idaho; Dale Murden, National Sorghum Producers, Monte Alto, Texas; Armond Morris, Georgia Peanut Commission, Ocilla, on behalf of the Southern Peanut Farmers Federation; Lynn Rundle, 21st Century Grain Processing Cooperative, Manhattan, Kansas, on behalf of the North American Millers' Association; John Swanson, National Sunflower Association, Mentor, Minnesota, on behalf of the U.S. Canola Association; and Jim Evans, USA Dry Pea and Lentil Council, Genessee, Idaho.

APPROPRIATIONS: MISSILE DEFENSE AGENCY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the Missile Defense Agency, after receiving testimony from Lieutenant General Henry A. Obering, III, USAF, Director, Missile Defense Agency, and Lieutenant General Kevin T. Campbell, USA, Commanding General, United States Army Space and Missile Defense Command/United States Army Forces Strategic Command and Joint Functional Component Command for Integrated Missile Defense, both of the Department of Defense.

BUDGET: DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine whether the Army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program, after receiving testimony from Preston M. Geren, III, Acting Secretary, General George W. Casey, Jr., Chief of Staff, Lieutenant Colonel Coll S. Haddon, Deputy Director of Operations, Program Manager of the Future Combat Systems, Brigade Combat Team, and Sergeant Major Thomas W. Coleman, Program Executive Officer, all of the United States Army, Department of Defense.

LANGUAGE AND CULTURAL AWARENESS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded a hearing to examine language and cultural awareness capabilities for the Department of Defense, after receiving testimony from Andre Van Tilborg, Deputy Secretary for Science and Technology, and Gail H. McGinn, Deputy Under Secretary for Plans, both of the Department of Defense; and Major General Robert H. Scales, Jr., (Ret.) USA, Colgen, Inc., Dayton, Maryland.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 1,303 nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following:

S. 1178, to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft, with amendments;

S. 294, to reauthorize Amtrak, with amendments;

S. 675, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, with amendments;

S. 428, to amend the Wireless Communications and Public Safety Act of 1999, with an amendment in the nature of a substitute;

S. 924, to strengthen the United States Coast Guard's Integrated Deepwater Program, with an amendment in the nature of a substitute;

S. 1142, to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development,

S. 311, to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption; and certain nomination lists in the U.S. Coast Guard.

WATER BILLS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir, S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon, S. 1116 and H.R. 902, bills to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources, S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, S. 1112 and H.R. 235, bills to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, after receiving testimony from Robert Johnson, Commissioner, Bureau of Reclamation, and Robert M. Hirsch, Associate Director for Water, United States Geological Survey, both of the Department of the Interior; Mike Purcell, Platte River Recovery Implementation Program, Cheyenne; David R. Stewart, Stewart Environmental Consultants, Inc., Fort Collins, Colorado; Joe Glode, Upper North Platte Valley Water Users Association, Saratoga, Wyoming; and Nicholas R. Tibbetts, Redwood Valley County Water District, Santa Rosa, California.

NUCLEAR REGULATORY COMMISSION

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded an oversight hearing to examine the Nuclear Regulatory Commission, focusing on the Commission's budget and programs, after receiving testimony from Dale E. Klein, Chairman, and Ed McGaffigan, Jeff Merrifield, and Greg Jaczko, each a Commissioner, all of the Nuclear Regulatory Commission.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, with an amendment;

S. 735, to amend title 18, United States Code, to improve the terrorist hoax statute;

H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, with an amendment in the nature of a substitute;

S. 879, to amend the Sherman Act to make oil-producing and exporting cartels illegal;

S. Res. 125, designating May 18, 2007, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide;

S. Res. 116, designating May 2007 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research;

S. Res. 146, designating June 20, 2007, as ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States;

S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and

women who have lost their lives while serving as law enforcement officers; and

The nominations of Robert Gideon Howard, Jr., to be United States Marshal for the Eastern District of Arkansas, John Roberts Hackman, to be United States Marshal for the Eastern District of Virginia, and Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois, and Benjamin Hale Settle, to be United States District Judge for the Western District of Washington Department of Justice, both of the Department of Justice.

Also, Committee approved the issuance of subpoenas in connection with the investigation into replacement of U.S. attorneys.

VETERANS' MENTAL HEALTH ISSUES

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues, including S. 479, to reduce the incidence of suicide among veterans, after receiving testimony from David Oslin, Director, VISN 4, and Jan Kemp, Associate Director for Education, VISN 19, both of the Mental Illness Research Education and Clinical Center, and Patricia Resick, Director, Women's Division, National Center for Post Traumatic Stress Disorder, all of the Department of Veterans Affairs; Patrick Campbell, Iraq and Afghanistan Veterans of America, New York, New York; Connie Lee Best, Medical University of South Carolina National Crime Victims Research and Treatment Center, Charleston; Ralph Ibson, Mental Health America, Alexandria, Virginia; Tony Bailey, Las Vegas, Nevada; and Randall and Ellen Omvig, Grundy Center, Iowa.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 2025–2045; and 6 resolutions, H. Con. Res. 128–131; and H. Res. 337–338 were introduced. **Pages H4174–75**

Additional Cosponsors: **Pages H4175–77**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Dr. Mark E. Harris, First Baptist Church, Charlotte, North Carolina. **Page H4053**

Committee Resignation: Read a letter from Representative Renzi wherein he resigned from the Committee on Natural Resources, effective immediately. **Page H4053**

Committee Resignation: Read a letter from Representative Renzi wherein he resigned from the Committee on Financial Services, effective immediately. **Page H4054**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur: H. Con. Res. 7, amended, to call on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur, by a ⅔ yea-and-nay vote of 425 yeas to 1 nay, Roll No. 259; **Pages H4057–65, H4106–07**

Agreed to amend the title so as to read: "Calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.". **Page H4107**

Torture Victims Relief Reauthorization Act of 2007: H.R. 1678, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, by a ⅔ yea-and-nay vote of 418 yeas to 7 nays, Roll No. 260; **Pages H4065–68, H4107–08**

Expressing deep concern over the use of civilians as "human shields" in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel: H. Res. 125, amended, to express deep concern over the use of civilians as "human shields" in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel; **Pages H4068–73**

Agreed to amend the title so as to read: "Expressing deep concern over the use of civilians as 'human

shields' in violation of international humanitarian law, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel.''. **Page H4073**

Urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany: H. Res. 240, to urge all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany; **Pages H4073–76**

Honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded: H. Con. Res. 68, to honor the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded; **Pages H4076–78**

Expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning: H. Res. 292, to express the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning; **Pages H4078–79**

Congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship: H. Res. 320, to congratulate the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship, by a ⅔ yea-and-nay vote of 415 yeas with none voting ''nay'', Roll No. 266; **Pages H4079–82, H4158**

Recognizing the benefits and importance of school-based music education: H. Con. Res. 121, to recognize the benefits and importance of school-based music education; and **Pages H4082–83**

Genetic Information Nondiscrimination Act of 2007: H.R. 493, amended, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, by a ⅔ yea-and-nay vote of 420 yeas to 3 nays, Roll No. 261. **Pages H4083–H4101, H4108**

Small Business Lending Improvements Act of 2007: The House passed H.R. 1332, to improve the access to capital programs of the Small Business Administration, by a recorded vote of 380 ayes to 45 noes, Roll No. 263. **Pages H4108–20**

Rejected the McCrery motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 197 yeas to 224 nays, Roll No. 262. **Pages H4118–19**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H4113**

Agreed to:

Matheson amendment (No. 1 printed in H. Rept. 110–108) that adds ''members of reserve components of the armed forces'' as eligible to receive loans under the Community Express Program and the Increased Veteran Participation Program; **Page H4116**

Matheson amendment (No. 2 printed in H. Rept. 110–108) that includes ''members of qualified Indian tribes'' as eligible to participate in the Community Express Program; **Page H4116**

Cuellar amendment (No. 3 printed in H. Rept. 110–108) that allows rural small business owners, who do not have a rural lender in their area, to receive the benefits of the Rural Lending Outreach Program through loans issued by any lender enrolled in the 7(a) loan program; and **Pages H4116–17**

Inslee amendment (No. 4 printed in H. Rept. 110–108) that adds to public policy goals of the section 504 of Small Business Lending program a purpose area that would increase small-businesses access to sustainable design or low-impact design to ultimately reduce carbon-emissions and environmental impact. **Pages H4117–18**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4120**

H. Res. 330, the rule providing for consideration of the bill, was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 196 nays, Roll No. 258. **Pages H4101–06**

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007—Conference Report: The House agreed to the conference report on H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 218 yeas to 208 nays, with 2 voting ''present'', Roll No. 265. **Pages H4131–58**

H. Res. 332, the rule providing for consideration of the conference report, was agreed to by a recorded

vote of 226 ayes to 195 noes, Roll No. 264, after agreeing to order the previous question.

Pages H4121–31

Amendments: Amendments ordered printed pursuant to the rule appear on page H4177.

Quorum Calls—Votes: Seven yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H4106, H4106–07, H4107, H4108, H4119, H4120, H4131, H4157–58, and H4158. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:53 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies continued appropriations. Testimony was heard from Members of Congress.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Shipbuilding (Industry Officials). Testimony was heard from public witnesses.

The Subcommittee also held a hearing on Shipbuilding (Navy Officials). Testimony was heard from the following officials of the Department of the Navy: Allison Stiller, Deputy Assistant Secretary; RADM Charles H. Goddard, USN, Program Executive Officer for Ships; and RADM William H. Hilarides, USN, Program Executive Officer for Submarines.

IRAQI SECURITY FORCES CONTRACTING

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Contracting for the Iraqi Security Forces. Testimony was heard from the following officials of the Department of Defense: Gary J. Motsek, Assistant Deputy Under Secretary, Program Support; and COL Anita M. Raines, USA, Chief, Logistics Service Division J4 Directorate, Joint Staff; Anne W. Patterson, Assistant Secretary, International Narcotics and Law Enforcement Affairs, Department of State; Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

STUDENT LOAN INDUSTRY ETHICS

Committee on Education and Labor: Held a hearing on Examining Unethical Practices in the Student Loan Industry. Testimony was heard from Andrew M. Cuomo, Attorney General, State of New York.

UNREGULATED PERCHLORATE EXPOSURE

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing entitled ''Perchlorate'': Health and Environment Impacts of Unregulated Exposure. Testimony was heard from Alex Beehler, Assistant Deputy Under Secretary, Environment Safety and Occupational Health, Department of Defense; the following officials of the EPA: Benjamin Grumbles, Assistant Administrator, Office of Water; Susan Parker Bodine, Assistant Administrator, Office of Solid Waste and Emergency Response; and George Gray, Assistant Administrator, Office of Research and Development; John B. Stephenson, Director, Natural Resources and Environment, GAO; the following officials of the Department of Health and Human Services: James Pirkle, M.D., Deputy Director, Sciences, Division of Laboratory Sciences, National Center for Environmental Health, Centers for Disease Control and Prevention; and Robert E. Brackwett, Director, Center for Food and Safety and Nutrition, FDA; Gary Ginsberg, Department of Public Health, State of Connecticut; and public witnesses.

HEALTH INSURANCE COVERAGE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Living Without Health Insurance: Why Every American Needs Coverage.'' Testimony was heard from Michael K. Smith, Secretary, Agency of Administration, State of Vermont; former Senator Thomas A. Daschle of South Dakota; and public witnesses.

INDUSTRIAL BANK HOLDING COMPANY ACT OF 2007

Committee on Financial Services: Held a hearing on H.R. 698, Industrial Bank Holding Company Act of 2007. Testimony was heard from Sheila C. Bair, Chairman, FDIC; Donald L. Kohn, Vice Chairman, Board of Governors, Federal Reserve System; John M. Reich, Director, Office of Thrift Supervision; Robert Colby, Deputy Director, Market Regulation, SEC, G. Edward Leary, Commissioner, Department of Financial Institutions, State of Utah; and public witnesses.

MALARIA AWARENESS DAY

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Malaria Awareness Day: Leveraging Progress for Future Advances. Testimony was heard from ADM Timothy Ziemer, USN (Ret.), Malaria Initiative Coordinator, U.S. Agency for International Development, Department of State; and public witnesses.

MILITARY'S CIVIL AUTHORITY DISASTER SUPPORT

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled ''Examining the Military's Support of Civil Authorities During Disasters.'' Testimony was heard from MG Terry L. Scherling, USAF, Director, Joint Staff, National Guard Bureau, Department of Defense; MG Timothy J. Lowenberg, Adjutant General, State of Washington; MG Tony Pineda, National Commander, Civil Air Patrol. Glenn Cannon, Assistant Administrator, Disaster Operations, FEMA, Department of Homeland Security; and Mike Womack, Director, Emergency Management Agency, State of Mississippi.

CYBERSECURITY CHALLENGES

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled ''Addressing the Nation's Cybersecurity Challenges: Reducing Vulnerabilities Requires Strategic Investment and Immediate Action.'' Testimony was heard from Douglas Maughan, Program Manager, Cyber Security R&D, Science and Technology Directorate, Department of Homeland Security; and public witnesses.

OVERSIGHT—DEPARTMENT OF HOMELAND SECURITY

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight, hearing entitled ''Strong Oversight at the Department of Homeland Security: A Predicate to Good Government.'' Testimony was heard from Norman J. Rabkin, Managing Director, Homeland Security and Justice Team, GAO; and Paul A. Schneider, Under Secretary, Management, Department of Homeland Security.

SUBPOENAS; MISCELLANEOUS MEASURES

Committee on the Judiciary: Approved the following: a resolution directing the House General Counsel to apply to a United States district court for an order immunizing from use in prosecutions the testimony of, and related information provided by, Monica Goodling under compulsion at proceedings before or ancillary to the Committee regarding the circumstances surrounding recent terminations of U.S. Attorneys, representations to Congress regarding those circumstances, and related matters; and a resolution authorizing the Chairman to issue a subpoena to Monica Goodling for testimony and related documents at a hearing before the Committee regarding the circumstances surrounding recent terminations of U.S. Attorneys, representations to Congress regarding those circumstances, and related matters.

The Committee also ordered reported the following measures: H.R. 1592, amended, Local Law Enforcement Hate Crimes Prevention Act of 2007; H.R. 692, amended, Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007; and H. Res. 314, Supporting the goals of World Intellectual Property Day.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported, as amended, the following bills: H.R. 65, Lumbee Recognition Act; H.R. 1294, Thomasina E. Jordon Indian Tribes of Virginia Federal Recognition Act of 2006; and H.R. 1328, Indian Health Care Improvement Act Amendments of 2007.

PUERTO RICO MEASURES

Committee on Natural Resources: Subcommittee on Insular Affairs continued hearings on the following bills: H.R. 900, Puerto Rico Democracy Act of 2007; and H.R. 1230, Puerto Rico Self Determination Act of 2007. Testimony was heard from C. Kevin Marshall, Co-Chair, Task Force on Puerto's Political Status and Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; the following officials of the Commonwealth of Puerto Rico: Anibal Acevedo Vila, Governor and former Member of Congress; Pedro Rossello, former Governor and Current Senator; Kenneth D. McClintock, President, Senate; Jose Aponte-Hernandez, Speaker, House of Representatives; Jose L. Dalmau-Santiago, Senate Minority Leader; and Hector Ferrer-Rios, House Minority Leader; Rafael Hernandez Colon, former Governor, Commonwealth of Puerto Rico; Carlos Romero Barcelo, former Governor and Member of Congress, Commonwealth of Puerto Rico; and public witnesses.

ISSUANCE OF SUBPOENAS

Committee on Oversight and Government: Approved the following: issuance of a subpoena to the Republican National Committee for documents and for Mike Duncan to testify before the Committee on May 8, 2007; issuance of a subpoena to the Republican National Committee for documents; and issuance of a subpoena to Secretary of State Condoleezza Rice to testify before the Committee.

FEDERAL ELECTRIC TRANSMISSION CORRIDORS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on the examination of Section 1221 on the Energy Policy Act of 2005 by the Department of Energy. Testimony was heard from Kevin Kolevar, Director, Office of Electricity Reliability, Department of Energy; Representative Bill DeWeese, Majority Leader,

House of Representatives, State of Pennsylvania; Assemblyman Paul D. Tonko, Chair, Committee on Energy, Assembly, State of New York; Kurt Adams, Chairman Public Utilities Commission, State of Maine; Elizabeth Merritt, Deputy General Counsel, National Trust for Historic Preservation; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported the following measures: H.R. 1867, amended, National Science Foundation Authorization Act of 2007; H.R. 1868, amended, Technology Innovation and Manufacturing Stimulation Act of 2007; H. Con. Res. 95, amended, Honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award; and H. Res. 316, Recognizing the accomplishments of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smott for being awarded Novel Prizes in the fields of chemistry, physiology or medicine, and physics.

AIR SERVICE DEVELOPMENT PROGRAMS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Essential Air Services Program/Small Community Air Service Development Program. Testimony was heard from Representatives Everett and Thompson of California; Gerald L. Dillingham, Director, Physical Infrastructure Issues, GAO; Michael W. Reynolds, Deputy Assistant Secretary, Aviation and International Affairs, Department of Transportation; and public witnesses.

COMMERCIAL FISHING VESSEL SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Commercial Fishing Vessel Safety. Testimony was heard from Representative Frank of Massachusetts; RADM Craig Bone, USCG, Assistant Commandant, Prevention, U.S. Coast Guard, Department of Homeland Security; and public witnesses.

MEDICARE TRUSTEES REPORT

Committee on Ways and Means: Subcommittee on Health held a hearing on 2007 Medicare Trustees Report. Testimony was heard from Richard S. Foster, Chief Actuary, Center for Medicare and Medicaid Services, Department of Health and Human Services.

BRIEFING—HOT-SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot-Spots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 26, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Federal Bureau of Investigation, 10:30 a.m., SD–192.

Committee on Armed Services: to hold hearings to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants, 9:30 a.m., SH–216.

Subcommittee on Airland, to hold hearings to examine Air Force and aviation programs in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program, 3 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation, to hold hearings to examine clean coal technology, 10 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 312 and H.R. 497, bills to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion, S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, S. 580, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, S. 686, to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail, S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, S. 890, to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and H.R. 1047, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System, 2:30 p.m., SD–336.

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure, to hold hearings to examine coal, focusing on a clean future, 1 p.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety, to hold hearings to examine the effectiveness of the Occupational Safety & Health Administration (OSHA), 9 a.m., SD–124.

Committee on Indian Affairs: to hold hearings to examine S. 462, to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley

Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, 10 a.m., SR–485.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review proposals to amend the program crop provisions of the Farm Security and Rural Investment Act of 2002, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, on Climate Change, 9:30 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on Secretary of Labor, 10 a.m., 2359 Rayburn.

Subcommittee on Legislative Branch, on Office of Compliance/Congressional Budget Office, 10 a.m., H–144 Capitol.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Credit Card Practices: Current Consumer and Regulatory Issues,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on Efforts To Deal With America's Image Abroad: Are They Working? 2 p.m., 2172 Rayburn.

Committee on Homeland Security, to continue mark up of H.R. 1680, Secure Handling of Ammonium Nitrate Act of 2007, 9 a.m., 210 Cannon.

Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''The SAFE Port Act: A Six-Month Review,'' 1 p.m., 1539 Longworth.

Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''The Over-Classification and Pseudo-Classification of Government Information: The Response of the Program Manager of the Information Sharing Environment,'' following full Committee mark up, 1539 Longworth.

Committee on the Judiciary, Subcommittee on Courts, The Internet, and Intellectual Property, hearing on H.R. 1908, Patent Reform Act of 2007, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Employer Access to Criminal Background Checks: The Need for Efficiency and Accuracy; and to mark up the following bills: H.R. 1700, COPS Improvements Act of 2007; and H.R. 916, John R. Justice Prosecutors and Defenders Incentive Act of 2007, 10 a.m., 2237 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on Proposals for Improving the Electronic Employment Verification and Worksite Enforcement System, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on H.R. 21, Oceans Conservation, Education, and National Strategy for the 21st Century Act, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands and the Subcommittee on Energy and Mineral Resources, joint oversight hearing on Land-use Issues Associated with Onshore Oil and Gas Leasing Development, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on H.R. 1462, Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act, 2 p.m., 1324 Longworth.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Establishing the Advanced Research Projects Agency—Energy—H.R. 364, To provide for the establishment of the Advanced Research Projects Agency—Energy, 2 p.m., 2318 Rayburn.

Subcommittee on Investigations and Oversight, hearing on Amending Executive Order 12866: Good Governance or Regulatory Usurption? Part II, 10 a.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on Small Business Innovation Reauthorization on the 25th Program Anniversary, 1 p.m., 2325 Rayburn.

Committee on Small Business, hearing entitled '' Closing the Tax Gap Without Creating Burdens for Small Businesses,'' 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, oversight hearing on FEMA's Preparedness and Response to All Hazards, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the following bills: H.R. 92, Veterans' Timely Access Health Care Act; H.R. 315, Help Establish Access to Local Timely Healthcare For Your Veterans' (Healthy Vets) Act of 2007; H.R. 339, Veterans' Outpatient Care Access Act of 2007; H.R. 463, Honor Our Commitment to Veterans' Act; H.R. 538, South Texas Veterans' Access to Care Act of 2007; H.R. 542, To require the Department of Veterans' Affairs to provide mental health services in languages other than English, as needed, for veterans' with limited English proficiency; H.R. 1426, Richard Helm Veterans' Access to Local Health Care Options and Resources; H.R. 1470, Chiropractic Care Available to All Veterans Act; H.R. 1471, Better Access to Chiropractors to Keep Our Veterans' Health Act (BACK Veterans' Health Act); H.R. 1527, Rural Veterans' Access to Care Act; and a draft discussion on Rural Health Care Bill and a proposed TBI bill, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on Poverty Reduction, 1 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on R&D and Systems Acquisition, 11:30 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming hearing entitled ''Dangerous Climate Change,'' 10 a.m., 2172 Rayburn.

Next Meeting of the SENATE

9:15 a.m., Thursday, April 26

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:00 a.m.), Senate will begin consideration of the conference report to accompany H.R.1591, Emergency Supplemental Appropriations, and may vote on its adoption at 12:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 26

House Chamber

Program for Thursday: Consideration of H.R. 249—To restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

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