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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUMENAUER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 27, 2007.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend James T. Golden, Ward Temple A.M.E. Church, Bradenton, Florida, offered the following prayer:

God omnipotent, God omniscient, God omnipresent: We thank You for Your mercy that gently awakened us this morning for another day of service to our Nation. And we thank You for Your grace that will empower us to overcome any challenges we will face.

We pray now for our President and all of our fellow servants in Federal, State, and local government across the land. Let Thy will be done today in everything they see, everything they utter, everything they hear, everything they think, and everything they feel.

We also pray for our vigilant, valiant Armed Forces as they protect our interests, defend our liberty, and secure justice at home and abroad in selfless sacrifice for our country.

O God our help in ages past, God of our weary years, God of our silent tears, God who has brought us thus far along the way, O God our hope for years to come, keep our Nation forever in Thy path of goodness and righteousness we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the House of the following title:

S. 2085. An act to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

INTRODUCING THE REVEREND JAMES T. GOLDEN

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

Ms. CASTOR. Mr. Speaker, I rise today to recognize a wonderful man and my constituent, the Reverend James T. Golden of the Ward Temple A.M.E. Church in Bradenton, Florida. He is the guest chaplain of the House of Representatives.

Reverend Golden is a pillar of the Tampa Bay community, with a long record of public service and dedication. In the year 2000, he was elected to the Bradenton City Council, which he continues to represent with distinction.

Reverend Golden is a veteran of the United States Army. He received a bachelor's degree in business administration from Stetson University in Deland, Florida, and went on to become a master of divinity from the Interdenominational Theological Center in Atlanta. He returned to Florida to attend the University of Florida and received his juris doctorate. Reverend Golden has shared his great knowledge and insight with students throughout Florida, and he ministers to the congregation of the Ward Temple A.M.E. Church in Bradenton and serves his community through many nonprofit organizations.

He is joined today by his wife Mildred, nephew Kahreem, and niece Lyleigha. I am proud to stand in recognition of his accomplishments and leadership today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

GLOBAL WARMING

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

Ms. SOLIS. Earlier this week, the world came together at the United Nations to discuss the need to take action against climate change. The United Nations Secretary General stated, ''I am convinced that climate change and what we do about it will define us, our era, and ultimately the global legacy we leave for our future generations.'' Missing from the discussion, however, was none other than the United States.

Rather than engage, the Bush administration continues to bury its head in the sand, organizing summits to discuss aspirational goals and ignoring real science.

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The science is certain. Human activity impacts human security, and without a mandatory agreement, the costs of climate change will continue to be socialized. Business as usual cannot go on. We must commit to mandatory reductions in order to protect health, environment, and security around the world.

Our cities, States, and Democrats in Congress are leading by example. I hope the administration will join us and our colleagues on the other side of the aisle. Vulnerable communities in the United States and around the world deserve nothing less.

CELEBRATING THE 100TH ANNIVERSARY OF HOLLAND TRANSFER COMPANY

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

Ms. FOXX. Mr. Speaker, I rise today to pay tribute to one of the finest and oldest logistics companies in the State of North Carolina. Holland Transfer Company in Statesville, North Carolina embodies the ethics of good business that separates great companies from the rest.

This week, Holland Transfer celebrates its 100th anniversary and its longstanding commitment to running a customer service-centered business. This company has transported goods and materials to North Carolina businesses since 1907 and is the oldest carrier in the State.

In the 100 years since its founding, Holland has built a strong reputation as a company that its customers can depend on to provide high-quality service without having to worry about getting shortchanged. Not many companies reach such a 100-year benchmark. In fact, it is doubtful that when Holland Transfer Company began with a team of horses and a single wagon that its founder, S.R. Holland, envisioned a company that today is a major part of the Statesville community.

Today, Holland Transfer embodies Christian values as part of its company character. These values are an integral part of what has made Holland Transfer successful for 100 years. I wish this fine company and all its employees all the best and many more years of doing business the right way. It is businesses like Holland Transfer that make this country great.

IRAN AND LATIN AMERICA

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

Mr. KLEIN of Florida. Mr. Speaker, I rise to put the spotlight on an ominous trend in our region. Iranian President Mahmoud Ahmadinejad may have left New York, but he remains close by. From the U.N. General Assembly, Mr. Ahmadinejad flew to Bolivia and then to his friend, Hugo Chavez, in Venezuela.

Ahmadinejad, with his hate-filled rhetoric and his funding of global terror, is too close for comfort. I rise to urge our friends in Latin America to refuse the Iranian president's advances and see him for what he is: a bully who disregards international will and who ignores our efforts against terrorism.

The 1994 bombing of the Argentine Jewish Community Center shows that the Iranian presence in Latin America has been dangerous in the past. This week, Argentina called on the U.N. General Assembly to urge Iran to more fully cooperate with the investigation so that justice can finally be served for this heinous act of terrorism.

Coming from south Florida where I live, when something happens in Latin America, we feel it. My district has many economic and familial ties to Latin America. Our friends in Latin America have been our partners in fighting terrorism, and we look forward to continuing our mutually beneficial partnership with these countries to make our areas safe and more secure.

ARE YOU PUSHING OR PULLING BACK THERE?

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

Mr. AKIN. When I traveled in rural Missouri a number of years ago, I had a favorite truck stop. And on the wall among the things they sold was a picture of a little John Deere green wagon with yellow wheels, had a bail of hay, and it looked like a wheel was sort of stuck on a bump. And there was a little kid with Oshkosh overalls pushing on it, and another kid with the tongue, and he is looking over his shoulder, and in the caption, ''Are you pushing or are you pulling back there?'' And that picture kind of comes to mind when I think of our Democrat leadership.

We have got 130,000 troops in the field and they have already declared defeat; and I am kind of wondering, are you pushing or pulling back there?

And then we have unanimous consent for General Petraeus, and before he can deliver the report that the Democrats asked to have delivered, they are savaging him in the New York Times as ''General Betray Us.'' And I am thinking, are you pushing or pulling back there?

And now we are talking about affording all kinds of special rights to terrorists that are in jail. It makes me think one more time: By golly, guys, are you pushing or pulling back there?

FREEDOM OF SPEECH

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

Ms. SHEA-PORTER. Yesterday, there was a resolution before the House which I voted for, and the reason I voted for it was because it stated it expresses our appreciation, talking about General Petraeus, for his personal sacrifices and those of his family, as well as the sacrifices of those who served in the Armed Forces and their families.

I too had a husband who served in the Armed Forces, and I was a family member, and so I supported that. But here is where I have trouble. It went on to attack MoveOn.org, saying such unwarranted attacks should be strongly condemned by Republicans and Democrats alike in the House.

I, too, would like to improve the tone here in this House. I would like to see civility. But they forgot to mention something in that resolution. They forgot to condemn the Swift Boating; they forgot to condemn the comments against Senator Max Cleland and other veterans who served this country honorably as well.

I wait for a new resolution that condemns behavior on both sides of the aisle attacking all veterans from all political persuasions. Until then, I support free speech.

BRAIN INJURY ALLIANCE OF SOUTH CAROLINA

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize the Brain Injury Alliance of South Carolina and to thank them for their service in raising public awareness of brain injuries. Leaders of this cause have been my longtime friends Lyman and JoAnne Whitehead of Irmo.

An estimated 1.4 million Americans sustain a brain injury yearly. In particular, many of our brave men and women serving in the central front of Iraq and Afghanistan have experienced some form of traumatic brain injury. It is vital that we do all that we can to address our veterans just as we address the needs of civilians living with this condition.

The Brain Injury Alliance is helping to lead the way in informing the public of the dangers of this complex injury and what can be done to help individuals rehabilitate. Their public awareness campaign uses different forms of media and community outreach to ensure that citizens are well educated on this issue. Thousands of individuals and their families will surely benefit from this thoughtful assistance.

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

FREEDOM OF SPEECH

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

Mr. COHEN. Mr. Speaker, yesterday there was a continuing resolution with a motion to recommit that attacked

MoveOn.org. I voted against that motion to recommit, and I did it because it attacked the first amendment.

There is a tradition in the House that we address the conduct and not speech, speech which is protected by the first amendment, that flag, and the Constitution, the Bill of Rights.

Now, when we start to attack speech and don't attack other speech, by implication we approve of the other speech. This House by not attacking Don Imus for his statements about African American women, this House by not attacking the individuals who questioned Max Cleland's citizenship or his honor, this House that did not condemn Rush Limbaugh and his statements about Senator HAGEL and Michael J. Fox, or Jerry Falwell and Pat Robertson who question people who are gay and lesbian and feminists for the attacks or Katrina.

When we attack one group for speech and don't attack others, by implication we approve the other's speech, and that is wrong, and that is why the motion to recommit was wrong, and it is a dangerous precedent.

WORLD WAR II VETERAN BRUCE HAMMOND AND THE TWILIGHT WISH FOUNDATION

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

Mr. POE. Mr. Speaker, Bruce Hammond came to Washington, DC yesterday. He traveled here with the Twilight Wish Foundation to have his lifetime desire to see the World War II Memorial granted.

Bruce Hammond was an 18-year-old drafted right out of high school in 1944. He served honorably in the United States Army in Europe. Hammond, from Cleveland, Texas, had his wish fulfilled through the Twilight Wish Foundation. The mission of this foundation is to demonstrate care and respect for seniors in America. It grants wishes for seniors on fixed incomes who are below the poverty level. Some wishes are as simple as supplying a hearing aid.

Hammond wanted to see our country's tribute to World War II veterans. Corporal Hammond spent most of yesterday at the Memorial with his sons in solemn tribute and reflection of his buddies back in World War II.

I commend the Twilight Foundation for working to honor our seniors, and we shall always remember our Greatest Generation and their sacrifice and service to this country.

And that's just the way it is.

RECOGNIZING DEDICATION OF JUDGE ARNOLD COURTHOUSE

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

Mr. ROSS. Mr. Speaker, I am pleased to stand here today with my colleague from Arkansas to honor and remember a fellow Arkansan who dedicated his life to serving the public and upholding justice across our great Nation. Texarkana native Judge Richard Arnold spent his lifetime in the court system, from the U.S. District Court to the Eighth Circuit Court of Appeals, where he rose to be chief judge in 1992. Judge Arnold even ran for Congress for the seat which I now hold, Arkansas Fourth Congressional District, before he began his distinguished legal career in the Federal court system.

I am proud that the new United States Federal Courthouse in Little Rock, Arkansas, which will be dedicated tomorrow, will be forever named the Richard Sheppard Arnold United States Courthouse. Judge Arnold was admired for his fairness and will be forever remembered as a dedicated public servant who cared deeply about his family, his work, his State, and his country. I am honored to deliver these remarks as a tribute to his life and career.

□ 1015

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to commemorate the 60th anniversary of the United States Air Force.

Time and again, the brave men and women of the United States Air Force have answered the call of duty to serve and protect this great Nation. It's because of them that we have the best Air Force in the world, and they will continue to expand that legacy of true excellence and air dominance.

As a 29-year Air Force veteran, it's my honor to congratulate them on 60 years of exemplary service and wish them many more years of air superiority to come.

They all are shining examples of ''service before self,'' one core motto of the Air Force. They protect the safety and security of all U.S. citizens.

As they say in our song, ''Nothing will stop the U.S. Air Force.''

God bless all the men and women of the United States Air Force. I salute you.

GLOBAL WARMING

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

Mr. MARKEY. Mr. Speaker, this week the world convened at the United Nations to combat climate change, but President Bush stayed away.

While the rest of the world knows that carbon dioxide threatens the planet, this administration can't even decide if it endangers the planet.

President Bush's response is not action, but talk. Instead of stopping the pollution, he starts a filibuster.

President Bush has decided to host a conversation to discuss his aspiration for procrastination on global warming until he leaves office. It is time for America to save the planet from another 50 years of red, white and blue CO_2. It is time for America to use its technological genius to launch a new future of clean power, new jobs, and lower cost.

We have no choice. The ice is melting. The coral is dying. The forests are burning, and 30 percent of all species are in danger of extinction.

President Bush, it is time to stop the empty rhetoric and to start saving the planet.

CLEAR ACT UPDATE

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

Mrs. BLACKBURN. Mr. Speaker, a couple of weeks ago I introduced the Charlie Norwood CLEAR Act, which targets violent criminal aliens and gives local law enforcement the tools they need to get them off the street. This legislation now has bipartisan support and has 140 sponsors, cosponsors; and we are adding to that.

Last week I conducted a telephone town hall, and the overwhelming majority of the callers on that phone call demanded that Congress take action, take some action, not just talk about removing criminal aliens, but take action to get them off the street. This bill accomplishes that goal.

Mr. Speaker, as we hear about the events that have taken place since September 11, Fort Dix, Newark, and in Arizona recently, we know it is needed. So I encourage my colleagues, cosponsor the CLEAR Act, H.R. 3494. Support ridding our streets and our communities of criminal aliens and absconders.

PRIORITIES

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

Mr. EMANUEL. Mr. Speaker, yesterday Defense Secretary Gates requested 43 billion more dollars for the war in Iraq, 43 billion more dollars to support the President's plan for more of the same. We have spent $400 billion in 4 years on the war in Iraq.

For 41 days of the cost of the war, 10 million children would get health care. For 1 month for the cost of the war, 7½ million children would get health care. For 1 week of the cost of the war, 2½ million children would get health care.

While billions have gone unaccounted for in Iraq, and the administration has shown no willingness to do what is necessary to crack down on the waste, fraud and abuse in Iraq, the President calls health care for American children excessive spending.

The President is asking for an open-ended, open-wallet commitment to Iraq; and yet he's told America's children, you're on your own.

I want you to think about this: there have been three vetoes in President Bush's 7 years; one to redeploy from Iraq, one to permit stem cell research, and one to give 10 million children health care; and it says it all about the President and his priorities.

NATIONAL FUTURE FARMERS OF AMERICA

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

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to commend the FFA, commonly known as the Future Farmers of America, on the news that for the first time in 29 years, their student membership has passed 500,000 students.

It is encouraging to see groups like the FFA growing and adding new members. Through the FFA, young people in rural and urban areas alike are able to understand agriculture's economic, social and environmental impact on all Americans, as well as agriculture's history.

Agriculture is not so much of a vocation as it is a way of life. Owning and operating a farm or ranch is a labor of love, costing time, money, risk and other investments far above most careers. The FFA prepares the next generation of our Nation's family farmers as they step up on the plate.

Simply put, agriculture matters. I'm proud to represent the Third District of Nebraska, one of the largest agricultural districts in the country, and one which truly embodies the spirit of the FFA.

GLOBAL WARMING

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

Mr. HALL of New York. Mr. Speaker, this week the Select Committee on Energy Independence and Global Warming held two events that starkly presented the consequences of climate change and showed us the way forward to prevent them. Wildlife officials from Alaska showed pictures of polar bears and other species struggling to survive as the ice literally melts under their feet.

The committee heard the gripping testimony of Mayor Stanley Tocktoo, whose village of Shmirsha, Alaska, is literally being wiped away by climate change. He showed footage of severe storms that polar ice once used to defend his village from, hundreds of feet of shore line lost during a single storm, and homes collapsing into the sea.

We need to act to keep Shmirsha, Alaska, from being a harbinger for our communities around the continental United States. The next day, U.N. Special Envoys on Climate Change discussed how.

Secretary Ban gathered over 150 countries in the largest discussion ever of climate change, and they testified of the need to change energy policy and bring emissions under control.

We must act by passing the energy bill and taking real action on carbon control. The stakes are too high for soft, nonenforceable goals.

GOP GOVERNORS ABANDON PRESIDENT BUSH ON CHIP

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

Mr. SIRES. Mr. Speaker, last week President Bush once again threatened to veto a bipartisan agreement that will provide health care insurance to 10 million low-income children. The President should talk to our Nation's Governors, 43 of whom have voiced support for a strengthened CHIP reauthorization.

The Republican Governor of Utah, Jon Huntsman, said, ''CHIP is a much needed safety net for uninsured kids, and Congress showed tremendous foresight in authorizing it a decade ago. Uninsured children are the State's number one priority.''

The Republican Governor of Wisconsin, Tim Pawlenty, said, ''We as Governors also want to make sure that the current population, and hopefully some reasonable expansions, could be covered.''

In addition, the Republican Governor of California, Arnold Schwarzenegger said, ''We cannot roll back the clock on the program that has helped to ensure children who need it most to have a healthy start in life.''

Mr. Speaker, Republican and Democratic Governors alike recognize the importance of this program. I hope the President will listen to these Governors and reconsider his veto threat.

CONDEMNING THE ACCUSATION OF MOVEON.ORG

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

Mr. SHAYS. Mr. Speaker, I rarely address this Chamber for 1 minute, but I cannot remain silent over the fact that 79 Members of this Chamber refused to condemn the accusation of MoveOn.org that General Petraeus, who has given 3 years of his life in service to our country in Iraq, has betrayed us. He had a message of hope and a recommendation that we not leave Iraq too quickly.

Whether you agree with the general who commands our troops, he, and the troops he commands, deserve to know that all of us in Congress appreciate his service and will not be silent to such outrageous charges. MoveOn.org can say whatever it wants, but freedom of speech does not mean Congress must remain silent.

HONORING JUDGE RICHARD ARNOLD

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

Mr. SNYDER. Mr. Speaker, people in Arkansas who knew of Judge Richard Arnold admired and respected his great legal mind, his integrity, and his remarkable attributes as a human being. Everyone who personally knew him liked him. Not even those who disagreed with him found fault with his judicial demeanor nor his legal analysis.

Now we have an opportunity to honor this great man. Tomorrow in Little Rock will be the formal dedication of the Richard Sheppard Arnold United States Courthouse, a wonderful new facility. Not only will this building be a great site for justice in central Arkansas, but it will be a lasting tribute to Judge Arnold. And on this day also we honor his wonderful wife, Kay Kelley Arnold, who will be in attendance at tomorrow's dedication.

PROVIDING FOR CONSIDERATION OF H.R. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 682 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 682

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. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, 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. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill 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. 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. 3567 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. CARDOZA. Mr. Speaker, for the 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.

I yield myself such time as I may consume and I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 682.

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

There was no objection.

□ 1030

Mr. CARDOZA. Mr. Speaker, House Resolution 682 provides for consideration of H.R. 3567, the Small Business Investment Expansion Act of 2007, under a structured rule. As the Clerk reported, the rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI. The rule makes in order all three amendments that were submitted for consideration that are printed in the Rules Committee report accompanying this resolution. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Small Business Administration states that it ''helps Americans start, build, and grow businesses.'' Lately, however, the Small Business Administration's actions have spoken louder than their words. And, unfortunately, SBA's actions have not spurred innovation and development but stifled them.

Given the high cost of purchasing additional capital assets, small businesses are dependent upon financing, which typically comes in the form of venture capital or angel investments. Despite the SBA's intent, its investment programs have fallen short and the needs of small business have gone unmet. In fact, due to SBA's ineffective investment programs, small businesses are now faced with more than $60 billion in unmet capital needs.

This is a tragedy. Small businesses form the backbone of our economic growth. In fact, they are responsible for creating three out of every four jobs in the United States. Imagine how many businesses could grow and how many jobs could be created if we could deliver even a fraction of that unmet need.

Small businesses are vital to our economy, and we cannot afford for our budding entrepreneurs to be denied the opportunity to succeed. By making the SBA an efficient partner in business development, small businesses will have better and more widespread access to venture capital and angel investments that they need.

Mr. Speaker, the bill before us today, H.R. 3567, has strong bipartisan support. It passed the Small Business Committee by a voice vote.

Among other things, H.R. 3567 streamlines the Small Business Investment Company program. Last year this public/private partnership leveraged more than $21 billion to over 2,000 small businesses. However, the current leverage limits are overly complex and the heavy reliance on debt-based lending programs has hampered the investment in veteran-, minority-, and women-owned businesses. H.R. 3567 will simplify how leverage caps are calculated and revise the limitations on aggregate investments to increase small business investment opportunities. In addition, it provides incentives to target veteran-, minority-, and women-owned businesses.

Second, the bill updates the New Markets Venture Capital program. This program was established specifically to address the unmet equity needs of low-income communities. However, this program has been woefully underfunded, and as a result, investment in low-income communities has suffered. H.R. 3567 expands the New Markets Venture Capital program and provides additional incentives for small manufacturing companies in low-income areas. This will be especially important to areas like those in my district in Merced County.

Third, the bill establishes a new Office of Angel Investment to focus on increasing equity investments in small businesses. Angel investors are high net-worth individuals who invest in and support start-up businesses in their early stages of growth and currently account for the creation of more than 51,000 new businesses every year.

H.R. 3567 promotes this crucial source of financing for entrepreneurs through the creation of an Angel Investment program within SBA's investment division. This new program provides matching financing leverage to eligible angel groups with 10 or more investors. The bill also directs the SBA to create a Federal angel network, a searchable directory of angel groups on the SBA Web site to better match up angel investors with small businesses seeking financing.

The bill also addresses many deficiencies in the Surety Bond program to assist small businesses in obtaining the backing they need to compete for construction contracts.

Mr. Speaker, this bill reflects Democrats' commitment to providing real solutions to remove the obstacles facing America's small business owners, innovators, and entrepreneurs. I would like to thank the Small Business Committee for their hard work and thoughtful work in bringing this legislation to the floor today. In particular, I extend my thanks to my good friend from Pennsylvania (Mr. ALTMIRE) and Chairwoman VELÁZQUEZ.

Mr. Speaker, we all recognize the importance of small business to our economy, and we must act on this bipartisan bill without further delay.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from California, my good friend (Mr. CARDOZA), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, as a former small business owner, I recognize the need for legislation to help update and streamline Small Business Administration programs and leverage new investment strategies in order to expand small business investment.

However, we must also make a commitment to small business that tax relief measures that passed the House the last several years should not be allowed to expire at the end of this year. With a month left before Congress's target adjournment date and just 3 months left of 2007, small businesses are depending on Congress to act quickly to renew tax relief which has allowed them to create more jobs and grow, helping America's economy grow at the same time. Tax relief and reduced regulatory burdens can make all the difference whether a small business is profitable at the end of the year or is forced to close its doors.

Mr. Speaker, yesterday the Rules Committee adopted a structured rule for consideration of H.R. 3567, the Small Business Investment Expansion Act of 2007. While this rule makes all submitted amendments in order, I believe the underlying bipartisan bill that is supported both by the chairman and ranking member of the Committee on Small Business should have been considered under an open rule on the House floor today.

Yesterday the ranking member, Mr. DREIER, on Rules gave the Democrat majority on Rules the opportunity to double the number of open rules that this body has heard other than appropriation bills reported from the committee this Congress. Unfortunately, Democrat members of the Rules Committee denied bringing the underlying bipartisan bill to the floor under an open rule process. Thus only two, Mr. Speaker, only two of 433 Members of the House will be able to offer amendments on this bill today. While this is disappointing, this, unfortunately, is not an unusual practice of this Rules Committee, despite promises of openness made to the American people just last year.

Mr. Speaker, earlier this year, House rules were adopted that require the disclosure and allow Members to challenge earmarks in appropriation bills;

however, under current House rules, earmarks and authorization bills and tax bills do not have to be disclosed and are not allowed to be challenged. This loophole needs to be closed, and I am going to give my colleagues in this House another opportunity to send a strong message to the American taxpayers that we are serious about earmark transparency. Therefore, I will be asking Members to oppose the previous question so that I may amend the rule to allow for immediate consideration of House Resolution 479, the earmark accountability rule. By defeating the previous question, we will be able to address earmark enforceability in order to restore credibility to this House. By considering and approving House Resolution 479, we will send a strong message to American taxpayers that the House will no longer turn its head the other way when it comes to transparency of earmarks.

As my colleague LINCOLN DIAZ-BALART observed yesterday, it has been a good week for earmarks and a bad week for transparency. We have an opportunity to change that, and I hope the Democrat majority will not make this another missed opportunity to make good on their promises to seek earmark transparency to American taxpayers.

I urge my colleagues to oppose the previous question.

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

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

There was no objection.

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

Mr. CARDOZA. Mr. Speaker, the gentleman discusses the question of an open rule. In fact, we adopted every amendment that was presented to the Rules Committee and brought it to the floor today. There were three amendments offered. All three amendments will be before the House today.

And the question on a Small Business Committee bill that deals with the wide diversity that small businesses can impact really allows, under the House rules, under the germaneness rules, that almost any measure, not related to this bill, but almost any measure could be brought to the floor under an open rule. It's much more appropriate for the Rules Committee to manage the debate and the time spent on this House floor by asking all Members to submit their amendments that they might want to put forward on this particular bill and debate them in an orderly fashion on the floor. And that is why the committee adopted the rule that it did, a structured rule, to manage the rule in an appropriate rule way.

The second question is on the question of earmarks that the gentleman raised. And I would just like to refer to page 24 of the report submitted to the House that accompanies this bill, and title XIV is a statement of no earmarks. I should read that to the House at this time.

It says: ''Pursuant to clause 9 of rule XXI, H.R. 3567 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.'' The statement is very clear that there are no earmarks in this bill.

Mr. Speaker, the Democrats believe that small businesses are a fundamental part of our Nation's economic growth and that government has a responsibility to provide increased investment opportunities to ensure their long-term successes. H.R. 3567 creates a renewed focus on minority-owned small businesses and small businesses in low-income areas, both of which have been traditionally faced with difficulty in gaining access to equity investment. It also paves the way to better serve thousands of small businesses and give a much-needed jolt to our economy.

Mr. Speaker, we must continue to shepherd our small businesses to give them every opportunity to succeed for today and for tomorrows yet to come. This bill will move us in that direction, and small businesses will be that much closer to making their dreams of prosperity a reality with the passage of this bill.

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

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

AMENDMENT TO H. RES. 682 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(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.''

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

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

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

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

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

Mr. HASTINGS of Washington. 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, further proceedings on this question will be postponed.

□ 1045

PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 683 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 683

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. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, 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 Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3121 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.

POINT OF ORDER

Mr. DREIER. Point of order, Mr. Speaker.

Mr. Speaker, I raise a point of order against consideration of the rule.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DREIER. I raise a point of order against consideration of the resolution because it violates clause 9(b) of House rule XXI, which states that it shall not be in order to consider a rule or order that waives the application of clause 9(a) of House rule XXI, the earmark disclosure rule.

The rule waives the application of the earmark disclosure rule against the amendment printed in part A of the committee report. The amendment is self-executed by the rule and, therefore, evades the application of clause 9.

I doubt that the self-executed amendment contains any earmarks; however, there is no statement in accordance with rule 9 that it does not.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. DREIER. I look forward to your ruling, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California makes a point of order that the resolution waives the application of clause 9(a) of rule XXI. It is correct that 9(b) of rule XXI provides a point of order against a rule that waives the application of the clause 9(a) point of order.

Clause 9(a) of rule XXI provides a point of order against a bill or joint resolution, a conference report on a bill or joint resolution or a so-called ''manager's amendment'' to a bill or joint resolution, unless certain information on congressional earmarks, limited tax benefits and limited tariff benefits is disclosed. But this point of order does not lie against an amendment that has been ''self-executed'' by a special order of business resolution.

House Resolution 683 ''self-executes'' the amendment recommended by the Committee on Financial Services modified by the amendment printed in part A of the Rules Committee report. Because clause 9(a) of rule XXI does not apply to such amendment, House Resolution 683 has no tendency to waive its application, and the point of order is overruled.

The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 683.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 683 provides for consideration of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, under a structured rule. As the Clerk reported, the rule provides 1 hour of general debate controlled by the Committee on Financial Services.

The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. The rule also makes in order a substitute reported by the Committee on Financial Services modified by the amendment in part A of the Rules Committee report as an original bill for the purpose of amendment. The self-executing amendment in part A would ensure that the bill complies with the new PAYGO requirements.

The rule makes in order the 13 amendments printed in the Rules Committee report, with each amendment debatable for 10 minutes.

As yesterday's debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this bill reflects that consensus.

As a Representative of a district in a floodplain, I understand the need for a healthy flood insurance program. My hometown of Sacramento is the most at-risk river city in the Nation. Whenever I talk about our efforts to improve Sacramento's level of flood protection, I also mention the importance of flood insurance. If you live behind a levee, you should have flood insurance. And the Federal Government has the responsibility to promote this kind of coverage.

I also recognize that to accomplish this, we need a healthy and robust national flood insurance program. That is why legislation we debate today, the Flood Insurance Reform and Modernization Act, is so significant. Through this legislation, we will meet our responsibilities, we will ensure coverage is available to those at risk, and we will educate those same individuals as to the benefits of flood insurance. This bill, which was reported out of the Financial Services Committee by a bipartisan majority of 38–29, takes us in that positive direction.

In the aftermath of Hurricane Katrina, the deficiencies in the program were laid bare. What remained was a program $25 million in debt with a questionable future. It is imperative that we rebuild and reform the Federal flood insurance program.

For many Americans, owning insurance to protect against a flood is more valuable than coverage in case of fire. That is because homes in a designated special flood hazard area are almost three times as likely to be destroyed by a flood as by fire, and this is a case for almost three-fourths of all homes in Sacramento. This is an important program that must be reformed to ensure its long-term stability and solvency.

The bill we are considering today makes reasonable reforms and lays the foundation for a stronger and improved flood insurance program, and for that I would like to thank Chairman BARNEY FRANK and Chairwoman WATERS for their leadership on the bill.

This bill takes important steps to modernize the flood insurance program. It raises maximum coverage limits to keep up with inflation. It provides new coverage for living expenses if you have to vacate your home. And it also provides optional coverage for basements and business interruption coverage for commercial properties. These are all positive steps that will allow the program to continue to provide peace of mind to those impacted when a flood occurs.

In moving forward, Congress is also making the flood insurance program sustainable. The bill tightens enforcement of purchase requirements and adds subsidies on vacation homes, second homes, and businesses. While these actions may not be popular, this will help invigorate the program in the long run.

In addition to helping homeowners, this measure will also benefit taxpayers nationwide by preventing insurance companies from putting their liability on the Federal Government at the expense of the American public.

By identifying flood hazards, managing floodplains via land use controls and building requirements, and providing insurance protections, this essential program reduces flood loss expenses to the Federal Government, saving taxpayers an estimated $1 billion a year.

This measure provides much-needed reforms to restore solvency to a program that has faced unprecedented financial strain in the wake of the 2005 hurricanes. This bill increases accountability of federally regulated lenders by imposing stricter penalties on those lenders that fail to enforce mandatory flood insurance purchase requirements on mortgage holders. This takes our country in the right direction by encouraging individuals to purchase flood insurance, while also addressing the needs of the program.

I would also like to express my sincere thanks for Chairman FRANK for working with me this past year on issues that I believe make this a stronger overall bill. I appreciate the chairman including my legislation, the Flood Insurance Community Outreach Grant Program Act of 2007, in this bill.

This grant program works. A little over two years ago, with the support of a $162,000 FEMA grant, my local flood protection body, the Sacramento Area Flood Control Agency, conducted just a flood insurance outreach initiative. SAFCA reached out to more than 45,000 NFIP policyholders in the American River floodplain with impressive results. After a year, 74 percent maintained their flood insurance policies. Of this group, 43 percent now carry preferred risk flood insurance. Preferred risk policies provide property owners who are protected by a levee or other flood mitigation method with full flood insurance at a reduced price. Because of their lower price, these preferred-risk policies have a higher level of policy retention.

To put this success in perspective, FEMA more than recouped its investment. SAFCA exceeded its target for policies retained more than 20 times over, adding millions to the flood insurance program's bottom line.

Extending these grants to other floodplains will only strengthen and build the solvency of the National Flood Insurance Program.

In short, I truly believe we must encourage greater participation in NFIP rather than providing loopholes for people not to participate. On that note, I would also like to thank the chairman for including language that authorizes a study for future participation of low-income individuals who live in a floodplain. We have an obligation to make sure that everyone has an opportunity to be insured and has access to affordable flood insurance. This is an important issue that I look forward to working on with the chairman, the committee, and many of my colleagues in further addressing this policy issue.

I think it is important that we continue to modernize our flood insurance program. I am pleased that the committee kept the amendment from last Congress' flood insurance bill, language that simply asks that FEMA utilize emerging weather forecasting technology as they update our national flood maps. Moving forward, we must make the investment in weather forecasting technology so that we have the tools to adjust to the changing climate. FEMA needs to be prepared to utilize this technology as it becomes available to us. We must ensure that FEMA has the highest quality information when it works to determine the level of risk for vulnerable geographies. This policy initiative takes us in a positive direction.

Finally, the bill we are debating today is a vital tool to be used after a flooding incident occurs. We need this bill; however, I want to close by saying that flood insurance is one piece of what should be a national comprehensive flood protection approach. Congress must continue to provide the tools and policy for prevention. We must continue to provide the funding for our flood protection infrastructure projects, and we must continue to provide the authorization for the projects that provide the protection for our communities.

□ 1100

With these policies of prevention in place, it will make communities safer and reduce the likelihood of our communities having to utilize their flood insurance policies.

Mr. Speaker, I strongly urge my colleagues to support this rule and final passage of the underlying Flood Insurance Reform and Modernization Act of 2007.

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

Mr. SESSIONS. Mr. Speaker, I rise again today in strong opposition to this unnecessarily restrictive rule that completely closes down the legislative process to every single Republican amendment that was offered in hopes of bettering this bill before the Rules Committee. This modified closed rule is being offered by the broken-promise Democrat majority, is wrong on both process and on policy.

Yesterday evening, in the Rules Committee, the place where democracy goes to die in the House of Representatives, the chairman of the Financial Services Committee, the gentleman from Massachusetts (Mr. FRANK) stated that he welcomed debating any substantive amendment so long as the committee did not make in order multiple amendments with similar goals. Despite the chairman's wishes to allow for a fair and open debate on substantive amendments to this bill, Rules Committee Democrats, once again, instead chose to further solidify our committee's growing reputation as ''the graveyard of good ideas'' in the House of Representatives by rejecting five times each time, along straight party lines, attempts to improve this rule by including substantive amendments offered by Republicans.

Chairman FRANK also testified that no amendment had been offered to the legislation that reflected the administration's opposition to this legislation, an inaccurate statement that I would like to clear up. First, my good friend from Georgia, the gentleman, Dr. TOM PRICE, electronically submitted a timely amendment to this bill that dealt with the substantive concerns raised by the administration. Dr. PRICE was then turned away from the Rules Committee and denied the opportunity to even offer this amendment when the paper copies reached the Rules Committee door 5 minutes after the arbitrary deadline that was set by the Rules Committee staff.

Next, Mr. Speaker, when it became obvious that the Rules Committee was going to silence Dr. PRICE, my good friend and Texas colleague, Congressman JEB HENSARLING, modified one of his amendments to address the substantive concerns over the addition of wind coverage to the National Flood Insurance Program that he shared in common with Dr. PRICE and President Bush. Unfortunately, Mr. HENSARLING, too, has been shut out by this rule.

Despite numerous campaign promises by the highest-ranking Democrats in the House to run the most transparent, open and honest House in history, this Democrat majority has once again provided the House with the rule where none of this would be available.

Out of 26 amendments offered to this legislation, not one of the seven Republican amendments offered is made in order under the rule. It can't be for lack of time. There is simply no good reason to rush reauthorization for this legislation which doesn't even expire until next year. And the Democrats certainly found time enough to provide 13 Democrat amendment sponsors enough time to come to the floor to try

and change this legislation. It can't be because these Republican amendments are not substantive. The Hensarling and Price amendments would have addressed the most substantive and contentious part of this legislation: the inclusions of wind coverage into a flood insurance program. However, the Democrat majority, once again, decided that political expediency is more important than allowing the representatives of half of this country to be heard. I wish I could say that I was surprised by the Democrat leadership allowing politics to triumph over policy or fair procedure. Unfortunately, this is precisely what we have come to expect from the new broken-promise Democrat majority.

What is worse, Mr. Speaker, is that this bill's real-world impact is as bad or worse as the process that brings us here to the floor today. It would expand the flood program to include a new risk before the effects of this policy have even been studied. Both the GAO, the Government Accountability Office, and the Congressional Budget Office, the CBO, have reported to us that the program is already not financially sound. That means that, as the program exists that the new Democrat majority wants to put in place, we already know that it is not financially sound. And the addition of this new and untested liability threats to derail much of the much-needed reforms of this program, while vastly increasing taxpayer exposure for losses from natural disasters unrelated to flooding.

Mr. Speaker, I oppose this rule. I oppose its exclusion of every single Republican amendment that was offered to improve it in the Rules Committee. I oppose the raw, political gain represented by the ill-conceived underlying legislation that puts our National Flood Insurance Program in jeopardy. Most of all, Mr. Speaker, I oppose the new earmark loophole, uncovered last night, that provides the broken-promise Democrat majority with yet another opportunity to waive their already loose earmark rules on every bill as they see fit.

While this new development made here to the strict letter of the smoke-and-mirrors earmark rule the Democrats rushed sloppily through the House at the beginning of the Congress, it certainly does not meet the spirit of that rule either. I encourage all of my colleagues to join me in opposing this rule, particularly Chairman FRANK, who argued so eloquently for the inclusion of substantive amendments so that the new rule can be passed that would finally keep the Democrat promise of openness and inclusion alive.

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

Ms. MATSUI. Mr. Speaker, I just want to point out that the Rules Committee made 13 amendments in order that we believe will benefit the discussion and debate on this very important issue. I would like to point out that three of these amendments were, in fact, bipartisan amendments.

Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, yesterday I went to the Rules Committee to offer an amendment to this bill that would have given the people of Michigan and other Great Lakes States fundamental fairness in the Federal flood insurance program. Unfortunately, the Democrat majority on the Rules Committee did not allow the people of Michigan to have their case heard on the floor of this House. I want to stress what I do understand about this bill; that this is an insurance program and that some will pay more than they take out, and that the idea is to have a broad spectrum of the Nation share the risk of natural disasters.

But when it comes to States like Michigan and the Federal flood insurance program, the people of my State are repeatedly being sucked dry by a mandated program that forces so many property owners into floodplains and into the program when they never, or almost never, flood. The net result is that Michigan property owners, by far, pay much, much more than their fair share.

Recent hurricanes, of course, have depleted FEMA funds. The Federal Government appropriately has stood up to help these States recover. But now the Federal flood insurance program is looking for even more money. And people in Michigan, where natural disasters are rare, are being forced to kick in more than their fair share.

I would say this, if it is the policy of the United States Government to continue to encourage property owners to live in areas that repeatedly suffer from natural disasters by offering heavily subsidized insurance, then we should just set up a fund for that purpose. We should not have property owners, like people that live in my State of Michigan, carry the burden of that policy. In fact, water levels in our magnificent Great Lakes are at historic lows. If you believe in the climate change theory, those levels are going to continue to fall. Yet property owners currently in floodplains are faced with increased premiums, and new maps will force even more homeowners in areas where we have never seen a flood into this plan. One thing about Michigan is that, instead of other States where they actually look up at the water, in Michigan, we look down at the water.

I would certainly agree that FEMA needs to do what Congress has asked them to do, to update the maps utilizing satellite and digitized elevation. They need to use the new technology. But we should base elevations on sound science. That is not being done now. Currently, the baseline for the FEMA plan is based on 1986 lake levels, which was at a time of historically high lake levels; 20-year-old data is what they are going to base this on now. I would simply suggest that we wait until the International Joint Commission, the IJC, completes its very extensive and exhaustive study that they are currently doing of the lake levels. I think they are now into the third or fourth year of a 5-year study. Then FEMA will have sound science to use on which to base their floodplain maps.

Mr. Speaker, because the Rules Committee would not allow my amendment to be heard, I intend to vote against this rule. I urge all of my colleagues to also oppose the rule. I will also be recommending to our Governor in the great State of Michigan to consider options that are fair to the residents of the State of Michigan, like self-insuring or actually opting out of the Federal flood insurance program.

Ms. MATSUI. Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, once again, in line with what we have stated earlier, that the 13 Republican amendments, which were presented to the Rules Committee, of course, there were others that were rejected because they were 1 or 2 minutes late, need to be discussed. The Rules Committee voted on a party line not to let them be on the floor today. But our Members represent important not only States, but important districts and important ideas. Another one of the persons who was denied the opportunity to have his amendment to be made in order is here with us today.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. GARRETT) for that purpose.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we come today on the floor in September, 9 months into the 110th Congress under Democrat control where they promised us the most open, honest and transparent Congress in U.S. history. And looking back at yesterday on their last rules decision, what have they wrought? Just the opposite.

I come to the floor today, as well, to oppose this rule and to oppose the closed-door proceedings and partisanship that the other side has exhibited yesterday with the way that they handled their rule. Their methodology is basically closing out the voices of almost half of Americans when they want to have their voice heard here in this Congress. I, too, came and submitted an amendment to the committee. Although the other side indicates that 13 amendments were approved, there were no single Republican-initiated amendments approved last night. That is because, as I said, half of America's voices were silenced.

Now, the amendment to the rule that I proposed is quite simple, to try to bring back fairness to this flood program, a flood program that most Americans would support in a bipartisan approach. Picture this, if you will, out on

perhaps the California Coast you have a mansion, a PreFIRM home, a mansion owned by some megastar, a movie star millionaire in that home. He is paying one rate for insurance. Next door, literally across the street, is this little 1970s home, a little bungalow, owned by a poor widow. She now is paying higher rates for her insurance. She, in essence, is subsidizing that multimillionaire movie star on the other side in this lavish megamansion that he may own by this poor widow.

Can't we do something about that? Yes. I propose an amendment that would bring actuarial fairness to this system. And I should say this, too. This was discussed in committee. The chairman of the committee said that he would work with me. My staff did work with his staff. I did work with the chairman. And the chairman even agreed with our language. The chairman even agreed, and I believe testified before the Rules Committee, that what we were doing here was bringing fairness to the committee and the rules process last night.

So, at this time, in my closing comments, I would just ask if the gentlewoman would be willing to enter into a colloquy to explain why is it that she will not, and the Rules Committee would not, enter into a discussion on this bill in Rules, and why is it that they wish to exclude this rule, and why would the gentlewoman in the Rules Committee decide that we should not have fairness, and why should the poor widow be subsidizing the rich and the millionaires in this country?

Mr. Speaker, I yield to the gentlewoman if she can explain why this amendment was excluded last night.

□ 1115

Ms. MATSUI. I would just like to comment that we had a discussion yesterday. I must say that the Rules Committee is different this year than it was last year. I was in the minority last year. We have vigorous discussions in our committee. We have made in order 13 amendments.

Mr. GARRETT of New Jersey. Reclaiming my time, I appreciate the fact that the Rules Committee is different this year from last year, and that is obviously apparent, because only Democrat amendments would come through, and last year both Democrat and Republican amendments would go through.

If the gentlewoman could explain on the merits? I would gladly yield to the gentlewoman if the gentlewoman could address the point as to why this particular amendment was not considered to be appropriate to be considered for this rule, and why it is that we should have the poor and the infirm and those people who have been living in their homes for decades have to subsidize the rich and the wealthy in this country.

I would yield to the gentlewoman, if she would explain why the inequity should continue.

Ms. MATSUI. Mr. Speaker, we made amendments in order last night, and I stand by the Rules Committee product. It might be that later on down the road you may want to work with the Financial Services Committee; but at this point in time, we did make 13 amendments in order.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I appreciate the fact that the Rules Committee under Democrat control has included 13 Democrat amendments to their Democrat-proposed legislation here today. And if that is the new openness and the change in the process that they are presenting to us, should we anticipate that there is no need for Republicans to present any amendments to the Rules Committee in the future because they will only consider Democrat amendments? That is a sorry state for us today.

Mr. SESSIONS. Mr. Speaker, if the gentleman will yield, I heard the gentleman say that he had spent time working with the chairman of the committee on this inequity to make sure that if you brought forward that amendment, that he would not oppose it.

Mr. GARRETT of New Jersey. That is exactly the case. I presented this amendment in committee and presented it and discussed it in committee. At that time, we entered into a colloquy in committee and the chairman said that perhaps we could work through this because there were some other technical aspects that needed to be changed. I was more than willing to take the chairman at his word, and he lived up to his word to the extent that for the next several weeks and months following the committee hearing, we did have a back-and-forth between staff and also the chairman on the floor, literally himself, and he was supportive of the final product we had.

Ms. MATSUI. Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, once again the Republican team that is on the floor today wishes to continue our voice of representation of millions of Americans for better ideas, to be included not only on this floor but in the Rules Committee for consideration and agreement to debate and vote on these good ideas.

We know that last night that there were 13 amendments that were made in order, all Democrat amendments, no Republican amendments. We know that several Republican amendments were rejected based upon being just minutes late, even though they had been electronically submitted.

So as a result of that, we are here on the floor today doing appropriately, properly, what we should be doing; we are talking about the good ideas that we have. You heard already a good idea from the gentleman from New Jersey. You heard already a good idea from the gentlewoman from Michigan.

At this time I would like to yield 4 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule governing the consideration of H.R. 3121. I had hoped that the committee would see the wisdom in providing an open rule on this important legislation, and in the absence of an open rule, that it would at least make in order amendments that both sides of the aisle took the time and effort to draft.

Unfortunately, as has been said repeatedly, of the 26 amendments filed with the Rules Committee, only 13, half of the amendments filed, were made in order, and of those 13 amendments that the Rules Committee made in order, not one, not one Republican amendment was made in order.

Has the majority again gone back on its promises to have an open, fair, and bipartisan operation of the House floor? On December 5, 2006, Majority Leader HOYER was quoted in Congress Daily PM as saying, ''We intend to have a Rules Committee that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of this House.'' Clearly, today, the leadership of this Congress has again turned its back on its promises.

The original Flood Insurance Reform Bill, H.R. 1682, which Chairman FRANK and I introduced together earlier this year, enjoyed substantial bipartisan support in the Financial Services Committee. However, due to political pressure, a bill was introduced by my friend from the other side of the aisle, Congressman TAYLOR, to add wind to the National Flood Insurance Program.

The flood reform bill turned partisan. So the majority introduced a new flood reform bill, H.R. 3131, and expanded the flood insurance program to include wind. While nine out of 13 witnesses, insurance experts, testified before the Financial Services Committee that wind should not be added to NFIP, the majority did it anyway.

The new flood-plus-wind insurance passed out of the committee; and in July, at a hearing on adding wind to the NFIP, the National Association of Insurance Commissioners, insurance experts, environmental groups, floodplain management groups, the Treasury, and FEMA all opposed this expansion. That is why we are concerned about not having these amendments come to the floor.

Members on our side of the aisle had hoped to be given the same opportunity to debate important issues on the House floor. The amendments filed by my colleagues Mrs. MILLER, Mr. GARRETT, Mr. HENSARLING, Mr. PEARCE and Mr. ROHRABACHER were not made in order, and Mr. PRICE's amendment was not even considered.

In particular, I wanted to say something about Mr. HENSARLING's amendment. This should have been allowed. This is a hugely important issue. The other side has added a whole new Federal commitment on wind to flood insurance. At the Rules Committee, where I presented the majority request

for an open rule, Mr. FRANK stated that he would welcome all amendments that address significant issues.

Now, it is the prerogative of the Rules Committee, and we had a great discussion on that at the committee, and it seemed to talk more about SCHIP, but it is the prerogative of the committee to make amendments in order. But when they hear from the chairman of the committee, Financial Services, in this case, they did not follow his suggestion. There was no more significant issue than adding wind to the flood insurance.

So I guess that Republicans don't deserve the right to participate in the amendment process, whether it is as a member of the committee of jurisdiction or as a Member of the U.S. House of Representatives. Only through an open rule is that possible. For this reason, I rise in strong opposition to the rule being considered here today.

Ms. MATSUI. Mr. Speaker, I just want to make clear that of these 13 amendments, three are bipartisan amendments.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, part of what our last three colleagues who have been to the floor spoke about was that as members of the Committee on Financial Services they worked very diligently, not only in their States, not only within their delegation, not only within the committee, but also with the chairman on trying to make sure that these good ideas might be included.

Now, the Rules Committee, which I have only served on for 9 years, always finds itself in a difficult position. Always. That is part of the dilemma of being on the committee, in particular when a committee chairman and a member show up before the Rules Committee and they talk about working together, finding a bit of compromise, working together to get a bill and thoughts and ideas to where they are not only germane, but to where they better the bill. The Rules Committee just sits back and we say, boy, that is such a wonderful thing. We are so happy and so pleased, Republicans and Democrats.

Something has happened, something has happened since January that has poisoned that well. Not only time after time after time did we see yesterday when Republicans showed up and said to the committee, oh, I have worked very carefully with my Governor, or I have worked very carefully with people back home, I've worked with the administration, I have put in a lot of time, this is a thoughtful amendment, I've tried to gain the concurrence of working through the committee; and, oh, by the way, I have even worked with my committee chairman, which says something also about the committee chairman, the gentleman from Massachusetts (Mr. FRANK), who yesterday on his own standing said, by and large, look, I understand every issue that is related to this. I don't mind if any amendment, as long as they are not duplicative, and as long as they have substance, I think they ought to be made in order. Once again, one of those times when the members of the committee, Republicans and Democrats, say, boy, that is great. Thank you so much, Chairman FRANK.

Something's happened, however, where people who were from the committee working with the committee chairman come and agree, and all of a sudden every single Republican amendment was rejected. It wasn't because they were duplicative; it wasn't because they didn't have substance. I don't know what it is.

We have tried this morning to have several people who have come to the floor to say I'd like to engage the new Democrat majority, Rules Committee members, to find out—what is it—Why was every single Republican amendment rejected while 13 Democrat amendments were made in order? What is it?

There's a change. I don't think it's open, I don't think it's transparent, and I question some other things behind the decisionmaking that is being made.

Mr. Speaker, the gentleman from Texas (Mr. HENSARLING) also took time to not only have thoughtful amendments, he not only sits on the committee, but also came to the Rules Committee, is here today also, because he believes, we believe, as Republicans we may get shut out, as we were in the Rules Committee; but we are still going to come to the floor and stand for the things which we believe in that would better the bill.

I would like to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank my dear friend for yielding.

Mr. Speaker, I rarely come to the floor of the House to complain about process. It's a little bit like complaining about the refereeing in the football game. At the end of the day, it doesn't do a whole lot of good. But the irony, the irony of what I see today is so powerful, I must share it with my colleagues.

It was just in the last Congress that our now chairwoman of the Rules Committee, the gentlewoman from New York, said, ''Here we go again, another important issue, another closed rule. The majority is arrogant and out of control. Their unethical assault on our democratic values must stop.''

That is what the gentlewoman from New York, the chairwoman of the Rules Committee, said when she didn't like closed rules when Republicans were in the majority. Well, here we have a closed rule. At least it's closed to Republicans. This Republican offered three amendments, three amendments that were very substantive amendments, none of which were found in order. So I am curious whether this closed rule, now that the Democrats are in the majority, Mr. Speaker, whether they consider it arrogant of themselves, whether they consider it an unethical assault on our democratic values to sit here and bring us a rule which is closed to Republicans.

I would certainly yield to the gentlewoman from California if she would like to answer whether or not it's arrogant and unethical to have a closed rule.

Apparently she doesn't wish to answer the question.

Our Speaker, before she became Speaker, said, ''We are going to have the most honest and open Congress in history.'' NANCY PELOSI, January 18, 2006. She also said, ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.'' Speaker of the House, NANCY PELOSI.

□ 1130

So I am curious, did she not mean it when she said it? Does she not mean it now? Is there some carefully crafted, clever little loophole by which we can explain the Speaker's rules why there is no full amendment process?

And I would be happy to yield to the gentlewoman from California if she would like to explain if the Speaker doesn't mean her words.

Apparently she doesn't care to offer an explanation.

Let's get into the substance of the bill, Mr. Speaker. We are looking at an insurance program run by the Federal Government, not run particularly well, since supposedly premiums were supposed to support this program; and now, now it owes the taxpayers, $20 billion of which it admits it has no way, no chance whatsoever to pay back. None whatsoever.

We have a National Flood Insurance Program run by the Federal Government that subsidizes overtly certain properties, many of which are condos and vacation homes, not all, many of which are. And so we have this anomaly where a factory worker in Mesquite, Texas, in my district, who may be pulling down $50,000, $60,000 a year as a taxpayer, subsidizes the flood insurance for somebody who is making a half a million dollars and has a condo on the beach.

One, this is a program that is not fiscally sound. It is a program that is not fair. It is a program that screams out for reforms. And so what does the Democrat majority do? It wants to expand its coverage. It wants to create a huge, new mandatory wind policy. These are serious issues, Mr. Speaker.

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

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question to give the Democrats yet another opportunity to live up to their broken promises and amend the rule to allow for consideration of H.

Res. 479, a resolution that I like to call the ''earmark accountability rule.''

Mr. Speaker, this Congress continues to see nondisclosed earmarks appearing in all sorts of bills. These rule changes would simply allow the House to openly debate and be honest about the validity and accuracy of earmarks contained in all bills, not just appropriation bills. If we defeat the previous question, we can address that problem today and restore this Congress's nonexistent credibility when it comes to the enforcement of its own rules.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just before the vote on the previous question.

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

There was no objection.

MOTION TO ADJOURN

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 175, nays 229, not voting 28, as follows:

[Roll No. 914]

YEAS—175

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Berry
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
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
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Fortenberry
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kaptur
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
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
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—28

Bachus
Barrow
Barton (TX)
Bishop (UT)
Carson
Cubin
Davis, Jo Ann
Fattah
Herger
Higgins
Hinojosa
Jindal
Johnson, E. B.
Jones (OH)
Keller
Kennedy
Kilpatrick
Kline (MN)
LaHood
Markey
Meeks (NY)
Miller, George
Moran (KS)
Pence
Rangel
Saxton
Spratt
Sullivan

□ 1158

Messrs. MOORE of Kansas, MEEK of Florida, MCNERNEY, ELLISON, LEVIN, Ms. HARMAN, Messrs. EDWARDS, SARBANES, and JOHNSON of Georgia changed their vote from ''yea'' to ''nay.''

Messrs. SAM JOHNSON of Texas, DUNCAN, GALLEGLY, BUCHANAN, HUNTER, PORTER, and POE changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Speaker, on Thursday, September 27, 2007, I was unable to make the first vote in a series because I was at the White House for a bill signing of the Food and Drug Administration Amendment Act of 2007. Had I been present, I would have voted "yea" on motion to adjourn which failed by the Yeas and Nays: 175–229 (Roll No. 914).

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 914, I missed this vote, because I was stuck in traffic. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California.

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

Mr. SESSIONS. Mr. Speaker, if I could inquire from my colleague from California if she has finished with her speakers.

Ms. MATSUI. Yes, I have.

Mr. SESSIONS. Mr. Speaker, at this time I yield the balance of my time to the distinguished gentleman from Ohio, the minority leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank my colleague from Texas for yielding.

Mr. Speaker, posted on the Speaker of the House's Web site at this moment is a document entitled ''A New Direction for America.'' In this document, the following statement is highlighted: Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives.

Last November when Democrats were preparing to take control of this Chamber, I appreciated something that Speaker PELOSI said. And I quote, ''The issue of civility, the principle of civility and respect for minority participation in this House is something that we

promised the American people. It is the right thing to do. And I set forth, over a number of years now, principles and respect for minority rights. And we intend to implement them.''

This statement was made almost a year ago at a press conference on November 20, 2006. Now, let's contrast those statements that were made and with what took place last night in the Rules Committee.

Seven Republican amendments were offered to the bill that we are about to debate, none made in order, including a bipartisan amendment offered by Mr. GARRETT of New Jersey; 13 Democrat amendments were made in order.

Now, the last time the flood insurance bill was on the floor of the House, which was in the 109th Congress, six Democrat amendments were made in order, one bipartisan amendment was made in order, and nine Republican amendments were made in order.

And if this isn't bad enough that the Republicans were denied any amendments in the bill that we have before us today, the majority also, in its rule, has waived the earmark reform rule again.

Now, yesterday when we had the SCHIP bill on the floor, there were earmarks in the bill. They weren't disclosed, they weren't outlined, and there was no way for Members to get at a debate or an amendment on those earmarks that were in this bill.

What assurances do American taxpayers have that there isn't some earmark in this bill that we have today? Because there is no list. But yet, the Rules Committee felt obliged to waive the earmark reform bill that was put in place earlier this year.

Now, the problem we have with the underlying rule is really part of the bigger problem. Last night, our Rules Committee Republicans put together a report outlining the number of closed rules that we have had in this House.

I was here in the early 1990s demanding that the minority ought to be treated more fairly. And clearly, when Republicans took majority control of this House, it may not have been everything everybody wanted, but there was more democracy in the House than what we have seen this year. And I just want to implore all of my colleagues that the American people sent us here to work together to solve the problems of this country. And yet, all year, as I have put my hand out to try to find a way to work in a bipartisan manner, it gets slapped away. That is not what the American people want of us. It is not what they deserve. And I would ask my colleagues to understand, many of you were here in the minority; you know exactly what I am talking about. It is time to be treating the minority the way you asked to be treated when you were in the minority.

I would ask my colleagues to defeat this rule, send it back to the committee, and let's do this in the fair, bipartisan way that the American people expect.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

I want to point out, Mr. Speaker, the earmark rule is not waived in this rule despite the claims of my colleagues. I urge them to read page 2, lines 6 and 7, that the earmark rule specifically excludes the earmark rule from the waiver. Any suggestion otherwise is simply untrue.

Additionally, the Rules Committee took testimony yesterday on this bill. Unfortunately, some of the Members who spoke today didn't even come to testify on their amendments.

Mr. Speaker, this bill takes the National Flood Insurance Program in a positive direction. This bill takes important steps to modernize the flood insurance program. This bill has bipartisan support. It raises maximum coverage limits to keep up with inflation; it provides new coverage for living expenses if you have to vacate your home; and, moving forward, Congress is making the flood insurance program sustainable in the long run.

Mr. Speaker, these are all positive steps that allow the program to continue to provide peace of mind to those impacted when a flood event occurs.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 683 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(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.

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

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

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

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on House Resolution 682;

adopting House Resolution 682, if ordered;

ordering the previous question on House Resolution 683; and

adopting House Resolution 683, if ordered.

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. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is on the vote on ordering the previous question on House Resolution 682, 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 222, nays 190, not voting 20, as follows:

[Roll No. 915]

YEAS—222

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
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
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
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Richardson
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
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

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Bachus
Carson
Cubin
Davis, Jo Ann
Doyle
Everett
Feeney
Gohmert
Herger
Hinojosa
Jindal
Johnson, E. B.
Keller
Kennedy
Kline (MN)
LaHood
Marchant
Meeks (NY)
Moran (KS)
Reyes

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1226

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 222, nays 181, not voting 29, as follows:

[Roll No. 916]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
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
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

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Bachus
Brady (TX)
Burgess
Cannon
Carson
Carter
Conaway
Cubin
Culberson
Davis, Jo Ann
Doyle
Everett
Gohmert
Granger
Hall (TX)
Hensarling
Herger
Hinojosa
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Marchant
McCaul (TX)
Meeks (NY)
Moran (KS)
Olver
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1235

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 683, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 193, answered ''present'' 1, not voting 18, as follows:

[Roll No. 917]

AYES—220

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
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
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Richardson
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
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
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
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
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Frank (MA)

NOT VOTING—18

Bachus
Carson
Cubin
Davis, Jo Ann
Doyle
Everett
Hastert
Herger
Hinojosa
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Meeks (NY)
Melancon
Moran (KS)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1243

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 220, noes 188, answered ''present'' 1, not voting 23, as follows:

[Roll No. 918]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
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
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

NOES—188

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
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
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
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 (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Frank (MA)

NOT VOTING—23

Bachus
Boozman
Carson
Cleaver
Conyers
Cubin
Davis, Jo Ann
Doyle
Everett
Hastert
Hensarling
Herger
Hinojosa
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Meeks (NY)
Moran (KS)
Murphy, Tim
Reynolds
Smith (NE)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

□ 1251

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.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3121, and to insert extraneous material thereon.

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

There was no objection.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 683 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. 3121.

□ 1253

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. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, with Mr. COSTA 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 gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, preliminarily, I recognize myself for 1 minute just to say that I want to be very clear that I regret the decision not to allow a number of amendments offered by members of the minority to this bill. And I will give them my word that as this legislative process goes forward, I intend to seek out opportunities to give them fair consideration.

I must say, Mr. Chairman, I'm never happy when I see my colleagues on the Republican side being a little obstreperous, but when they're being obstreperous with good reason, I really find that hard to tolerate. So I did want to make clear my view and my hope that we can deal with that.

Mr. Chairman, I yield such time as she may consume to the Chair of the Subcommittee on Housing, from which this bill came forward, who has done a great job all year on this legislation, the gentlewoman from California.

Ms. WATERS. Mr. Chairman and Members, I rise in strong support of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007. And I would like to thank my colleague from Mississippi, Mr. GENE TAYLOR, for all of the work that he has put into this issue and the way that he helped to focus my committee and the overall Financial Services Committee on this very issue.

He will be speaking today. And I don't think there is anybody who can describe what happened as a result of Hurricanes Katrina and Rita and

Wilma and what happened in the gulf coast, in particular, his district, any better than Mr. TAYLOR will do. And by the time he finishes his presentation here today, I think all of the Members will very well understand why it is so necessary that we move with a real reform bill to deal with these kinds of catastrophes.

As you know, I introduced a bill on July 19, 2007, following substantial consideration by the Financial Services Committee on flood insurance and related issues. Specifically, the committee held two hearings on June 12, one examining the issues of the national flood insurance program raised by the gulf coast hurricanes, and a second hearing on the predecessor to this bill, H.R. 1682, introduced by Chairman FRANK. Thereafter, on July 17, the committee held a hearing on related legislation, H.R. 920, the Multiple Peril Insurance Act of 2007, that was introduced by Mr. TAYLOR.

H.R. 3121 reflects this extensive committee analysis on the NFIP, wind insurance and related issues. Accordingly, on July 26, 2007, the Financial Services Committee reported out H.R. 3121 with a favorable recommendation. I hope that we're able to pass H.R. 3121 today because it makes critical improvements to the NFIP in light of the devastating lessons of the 2005 hurricane season.

In the aftermath of Hurricanes Katrina, Rita and Wilma, NFIP faced unprecedented financial and regulatory strains as it confronted approximately $21.9 billion in NFIP-insured losses. The program had to borrow in excess of $17.5 billion from the United States Treasury in order to pay claims and interest resulting from Hurricane Katrina alone.

Those of us concerned about NFIP in the wake of the 2005 storms saw the urgent need to put the program on sounder financial footing by addressing the issues stakeholders had raised around the substantial premium discounts and cross-subsidies among classes of its policyholders, outdated flood insurance rate maps, allegations of uneven compliance with mandatory purchase requirements, and questions as to the performance and efficiency of private insurers operating under the NFIP's Write Your Own program.

Additionally, the committee hearing on H.R. 920, the Multiple Peril Insurance Act of 2007, made it clear the need to address perverse incentives created by dual government and private insurance regimes when damage can be a result of wind and flood. I'm proud to say that H.R. 3121 prudently addresses these concerns.

Specifically, the bill would increase NFIP's borrowing authority to $21.5 billion from $20.8 billion, but require that it satisfy traditional criteria for actuarial soundness by phasing out discounted premiums; allow the Federal Emergency Management Agency, that is, FEMA, to increase flood policy rates by 15 percent a year, up from 10 percent; raise civil penalties on federally regulated lenders who fail to enforce mandatory purchase of flood insurance for mortgage holders; increase program participation incentives; encourage the revisions to flood maps; and starting in mid-2008, allow for the purchase of optional insurance for wind as well as water damage.

These reforms are desperately needed because, as we have seen, storms will become stronger and more intense. We need a program that can contend with the worst that Mother Nature can throw at us. Simply put, we cannot wait and let another hurricane season pass without putting the National Flood Insurance Program on solid footing.

I would urge my colleagues to support H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

And I thank you so very much, Mr. Chairman, for all of the time that you have put in trying to make us very credible as we relate to these reforms by not only giving us the leadership, but allowing us to hold the hearings that are so necessary to get the information that is so desperately needed to do this.

Mrs. CAPITO. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, floods are amongst the most frequent and costly national disasters in terms of human hardship and economic loss. In fact, 75 percent of Federal disaster declarations are related to flooding.

Before I discuss the merits of the legislation, I would like to talk briefly about the process that is being considered. We are debating a huge expansion of an already struggling existing Federal program, and yet we have not been able to have our amendments out on the floor to have an open and frank discussion about this.

I would like to accept the chairman's offer to continue to work on the amendments that were not allowed to be offered, and I hope that we can see democracy being served by letting everybody's voice be heard.

□ 1300

In 1968, Congress established the National Flood Insurance Program, NFIP. The program is a partnership between the Federal Government and participating communities. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction, the Federal Government will make flood insurance available to that community. Today, NFIP is the largest single-line property insurer in the Nation, serving nearly 20,000 communities and providing flood insurance coverage for 5.4 million consumers.

Mr. Chairman, recent events have underscored the need to reform and modernize certain aspects of the program. While the NFIP is designed to be actuarially sound, it does not collect sufficient premiums to build up reserves for unexpected disasters. Due to the claims resulting from Hurricanes Katrina and Rita, the NFIP was forced to borrow $7.6 billion from the Treasury, an amount it estimates it will never be able to repay. Consequently, NFIP sits on the GAO's High-Risk Programs list, which recommends increased congressional oversight. Additionally, the 2005 storms shed light on the problem of outdated flood maps, resulting in many homeowners in the gulf region being unaware that their homes were located in floodplains.

To address these and other concerns in 2006, the House overwhelmingly passed flood insurance reform legislation. Earlier this year, Chairman FRANK and Representative JUDY BIGGERT introduced legislation identical to that bipartisan bill. That bill includes many reforms, including the phasing in of actuarial rates, but unfortunately, the flood insurance bill that the majority chose to move out of the Financial Services Committee was amended to incorporate legislation offered by the gentleman from Mississippi (Mr. TAYLOR) which expands the NFIP to include coverage for wind events.

Mr. Chairman, no Member of this House was more personally affected by the 2005 hurricanes than Congressman TAYLOR. I do not, and no one questions his sincerity or his commitment to assisting those who have lost everything they owned in these storms. While I share his concern over the rising costs and outright unavailability of homeowners' wind coverage in some areas, I have three principal objections to linking wind insurance to the reform of the National Flood Insurance Program.

First, expanding the program increases liabilities for taxpayers while decreasing options for customers or consumers. Properties located along the eastern seaboard and gulf coast represent $19 trillion of insured value. Shifting the risk on even a portion of these properties to the troubled NFIP could expose taxpayers to massive losses. The fact is that insurance will choose not to engage a competitor that does not pay taxes, has subsidized borrowing costs, and is not required to build a reserve surplus and is protected from most lawsuits, State regulation and enforcement.

Second, adding wind coverage to the NFIP will exacerbate the program's well-documented administrative problems. Both the Department of Homeland Security and GAO have criticized the NFIP for being understaffed, not having adequate flood maps and not collecting sufficient information on wind payments when claims were submitted for flood damage. Expanding the portfolio further before much-needed reforms are in place is premature.

Third, no consensus yet exists about the necessity or desirability of creating a Federal wind insurance program. In testimony before our committee, representatives of flood management groups, the insurance industry, environmental organizations, Treasury and

FEMA all expressed agreement that a comprehensive study of the proposed wind insurance mandate should first be commissioned to provide Congress with a better understanding of the possible implications this expansion could have for consumers, NFIP and the market.

Mr. Chairman, we must not let the desire to meet every perceived problem with a new Government program drive us towards premature actions that yield unwanted consequences. The NFIP's mission should not be expanded, exposing taxpayers to massive new risks, until reforms are in place and adequate study has been conducted.

In addition to the above reservations, I have serious concerns with the effect the addition of wind coverage will have on communities that are now relying on NFIP. This program is already financially unstable, yet we are about to add $19 trillion of risk. Despite this fiscal instability, States like West Virginia, that I represent, will still rely on the program to provide assistance in the case of serious flooding. There have not been major problems this year, thankfully, but as recently as 2001, FEMA has declared counties in my State national disasters due to flooding and provided $17 million in assistance. These are serious needs across the Nation for the flood insurance program. We should be modernizing NFIP so it can become financially stable.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree that we should have had an amendment that would have allowed us to debate whether or not to strike the wind addition. I would have vigorously defended it as I will do now.

The problem is that we now give the insured and the people who administer insurance an impossible task. It is to evacuate a home on the notice of a hurricane and to return to that home some period of time later after there has been devastation from a hurricane and decide with some degree of certainty what damage was caused by water and what by wind, because the Federal Flood Insurance Program protects against water damage. Wind damage is under the auspices of private companies. In some cases, of course, the same company would be involved, and some of the adjusters would have an interest in whether or not it was water versus wind. The more it was water, the less they would have to pay. But even aside from that conflict of interest, it is inherently difficult, in fact impossible, to decide, if you go back and there is all this devastation, was it the wind that blew the roof off? Was it the flood that did it? Was the window broken by a wind-driven projectile? It is impossible to tell. We give people this impossible decision.

Now, the way the wind program works under the bill, in the first place, it is not a complete expansion. You only would be eligible to buy wind insurance if you already have flood insurance. It will lead to no new insureds. That has to be very clear. No one who is not now taking out insurance, not just eligible, but taking out insurance, will be allowed to take this out, because it can only be an adjunct to your water policy. It is aimed at trying to avoid having this impossible arbitration between wind and water damage.

Secondly, and CBO scores it this way, it is subject to PAYGO. The mandate in the legislation is that it has to be actuarially sound. And people have said, well, the previous flood insurance program wasn't actuarially sound. True. It wasn't subjected to that statutory mandate. It wasn't subject to PAYGO.

We have in here language that mandates that the wind coverage be actuarially sound. CBO has certified, and as Members know, we don't always get from CBO what we think is the right answer, but in this case, CBO has certified that this meets PAYGO and that wind will be there.

So what we are saying is that if you already have water and you are in an area where you are likely to have a combination of wind and water, we will allow you to buy wind as an adjunct so that, and you will have to pay the going rate for it, the actuarially sound rate, but then you will avoid this terrible, intractable problem of arbitrating wind versus water.

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

Mrs. CAPITO. I yield 4 minutes to one of the original authors of the bill that was presented initially to this Congress, the gentlewoman from Illinois, Representative JUDY BIGGERT.

Mrs. BIGGERT. Mr. Chairman, I would like to express congratulations to the ranking member on her taking over as the ranking member of the Housing Subcommittee.

Mr. Chairman, I have always known Chairman FRANK to never shy away from a debate. I appreciate his acknowledgement that he would have liked to have had the opportunity to debate the amendments that were not made in order. I know how concerned he was about that and it shows by his vote on the floor. So I really appreciate that. He has always been ready, willing and able to know what the opposition is and their concerns and to debate that.

Mr. Chairman, Chairman FRANK and I did introduce H.R. 1682 earlier. That was the Flood Insurance Reform and Modernization Act of 2007. That was to address the much-needed reforms to NFIP, the Nation's largest single-line property insurance provider. Unfortunately, the legislation before us today, I think, jeopardizes our commitment to enact these reforms because it does couple H.R. 1682 with H.R. 920, which is Representative TAYLOR's bill. We all know how sincere he is about this much-needed reform. But it does add wind to the National Flood Insurance Program. I really am concerned about this.

We had several hearings. Witness after witness testified that adding wind to the flood insurance program was not a good idea. At one of the hearings, adding wind to NFIP, the National Association of Insurance Commissioners, the insurance experts, environmental groups, floodplain management groups, the Treasury and FEMA all were opposed to such an expansion.

In previous Congresses, flood modernization bills virtually identical to H.R. 1682, the Frank-Biggert bill, enjoyed broad, bipartisan support. During the last Congress, the Financial Services Committee considered H.R. 4973, the Act of 2006, which the House passed by a vote of 416–4 on June 27, 2006.

But instead of embracing this approach and the recent track record of bipartisanship on NFIP, the other side of the aisle has chosen to introduce this new bill and include language that I think really threatens the passage of necessary reforms to the program. I am disappointed by this action. NFIP needs reform now, not a controversy and costly program expansion.

For the majority of its 39-year history, NFIP has been a self-funding program. However, flood insurance claims from the 2005 hurricane season have grown to almost $18 billion, a total greater than all the claims from all the other years combined. Unless the NFIP program is reformed soon, the program will face insolvency. In January, the GAO placed the flood insurance program on its High-Risk Series list, which recommends increased congressional oversight for troubled programs.

So, Mr. Chairman, it is clear that NFIP reform is needed now. Therefore, before expanding the NFIP program to include wind, we should keep our commitment to reform NFIP and move H.R. 1682 instead of the bill before us today. The administration has said that if the wind provision is included in this bill, the President will veto it. So adding wind, really, to me, is a poison pill to the flood insurance reform bill and is compromising our efforts to enact much-needed bipartisan reform of the National Flood Insurance Program.

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the representative from Illinois (Mr. ROSKAM), a member of the Financial Services Committee.

Mr. ROSKAM. I thank the gentlewoman for yielding.

Mr. Chairman, have you ever walked by a construction site? When they are putting up big buildings, it is really a sight to behold. And you look down at the foundation upon which they are building. If they are building the house right, they are putting it on a foundation of absolute bedrock. As you are watching them put it together, they are bringing in large pieces of concrete and steel. They are putting it down

ever so slowly, ever so slowly, because when they finally put it down on the foundation, it is not going to move again. That is why they are very, very careful.

I think today we are missing an opportunity to build on a solid foundation. We have an opportunity to fix a failed and struggling program, and that is the National Flood Insurance Program. That is not bedrock. It is peat moss. It is very, very soft stuff. It has an $18 billion liability right now.

Unfortunately, rather than dealing with the flood component, what is happening is that an additional liability is being placed on a program that doesn't have a solid foundation. We are giving additional responsibility in this bill to FEMA without any substantive reforms of FEMA. I know that over the past years, FEMA has been subject to and receives a great deal of criticism with the way in which it conducted itself following Hurricanes Katrina and Rita.

□ 1315

I think that the lost opportunity here is a sad thing. The vast majority, not the overwhelming majority, but the vast majority of claims have been settled in the previous conflict, and now here we have got the chance to fix the flood program. My district wants a flood program that is dynamic and vibrant and solvent and based on a good foundation.

As was previously mentioned, the GAO has put the NFIP on a watch list, and yet we are entrusting the NFIP with the new responsibility. That we ought not do.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I want to thank Chairman FRANK, Chairwoman WATERS, Chairman MEL WATT, the Democratic members of the Financial Services Committee for bringing this incredibly important bill to the floor.

Mr. Chairman, a little over 2 years ago, the Nation's worst disaster hit a number of places, including the district I have the privilege of representing. An unprecedented number of homes were destroyed, including my own. As the crow flies between my house and Senator LOTT's house is 40 miles. As inconceivable as it may be, in that 40 miles between our houses, only a handful of houses within several blocks of the Gulf of Mexico remained.

A number of things occurred after that storm, most of them good. People in south Mississippi pulled together. They did what they could to take care of themselves. People from all over America came to our assistance. Congressman GILCHREST's district raised something in the neighborhood of $40,000 to $50,000 for the people of my district, as well as the people of St. Mary's County. There are so many of these things, that I can't enumerate them all. The people of St. Mary's County sent down three truckloads of Christmas presents to kids who lost everything.

To this day, there are still young volunteers and not-so-young volunteers from all over the country who come down there trying to help people rebuild their lives. About the only group that didn't try to help the people of south Mississippi is the insurance industry. You see, within days of the storm, the insurance industry issued a memo to their employees that said whenever wind and water occur concurrently, blame it all on the water.

Mr. Chairman, the United States Navy has modeled what happened that day in Mississippi, and the United States Navy tells us that for 4 to 5 hours in south Mississippi we had hurricane force winds before the water ever got there.

Under the National Write Your Own program, we count on the private sector for two things: we count on them to sell the policy, and that way our Nation does not have the administrative expense of having a sales force. But we also count on them to adjudicate the claim fairly. Those things that are wind, say the wind did it, and they have to pay. Those things that are attributed to water, you can blame it on the flood insurance, and the Nation pays.

Within days of the storm, State Farm and other companies had issued the following e-mails to their employees: Where wind acts concurrently with flooding to cause damage to the insured property, coverage for the loss exists only under flood coverage.

So, on one hand, they have a contract with the Nation that says we are going to pay if it's wind damage, the Nation is going to pay if it's flood damage. They get to adjust the claim. We don't have a Federal employee following them around. The total discretion to make this claim is with the private sector.

Put yourself in the position of that 25-year-old claims adjuster. You're looking for your Christmas bonus; you're hoping for a promotion. You can walk on that property and say what is fair, that, yeah, there was wind and there was water, or you can be a company man and you can follow the memo from company headquarters and blame it all on the water and stick the taxpayer with the bill. That is not fair to the taxpayer right off the bat, and it's not fair to the citizens.

Let me further clarify this, and I have kind of become an expert at it the hard way. Every homeowner's policy has something in it called ''Cost of Living Expenses,'' and that is if your home burns down tonight, and you have got a homeowners policy, they will pay to put you up until they fix your house. But if they deny the claim, they don't put you up.

The President came down shortly after the storm and said, you know what, if you have lost your house, or if your house is substantially damaged, we are going to get you a trailer to live in. They assigned, just in south Mississippi, 42,000 trailers; one for every family of five, $16,000 per trailer.

Then they gave another contract to an outfit called Bechtel to haul those trailers the last 70 miles, from a place called Purvis, Mississippi, down to the site where a home was, hook it up to a garden hose, plug it in, hook it up to the sewer tap. It worked out where that company got another $16,000 just for doing the very simple thing that grandmoms and grandpops and moms and dads do every weekend, which is called hooking up a travel trailer.

We are now up to $32,000 per trailer, times 42,000 times, because they decided they weren't going to pay on their homeowners claims, that the Nation would pay. Now, you can come to this floor and defend that, but I don't think you can.

So the individual who had a homeowners policy, because if you live in hurricane country, and this has happened three times in my lifetime, it's the only time I lost my house, but three times in my lifetime I have seen terrible storms. You don't know if it's going to be more wind than water or more water than wind. So you buy both policies, with the idea if I get flooded, I've got a flood policy. If it's wind tearing my roof off, I've got a wind policy. You have both.

As the chairman pointed out, our Nation spends a fortune to have hurricane hunters fly into these storms. Our Nation spends a fortune to put satellites that track storms into space. Why do they do that? To give people warning so that they don't die in the storm. Our sheriffs departments and police chiefs did a wonderful job: get the heck out of here, this is going to be a bad storm. So the logical people and the people who weren't hard-headed got the heck out of there. We lost a rocket scientist. I am certainly not going to say that man was dumb, but he built what he thought was a hurricane-proof house. He died in that hurricane-proof house.

The point is that the few folks who stayed behind almost all died, but the few folks who stayed behind had their claims paid because they could sign an affidavit and say I saw my roof fly off before the water got there, I saw my windows fly in. And, by the way, I was 10 miles inland that day and the windows in my brother's house flew in. The insurance companies paid wind claims in all 82 counties of Mississippi, all the way to Memphis, Tennessee; but they are somehow trying to convince this Congress that the wind somehow miraculously leap-frogged over the coast and they shouldn't have had to pay where it hit first.

Mr. Chairman, what we are trying to do with this is tell the people of America, the 52 percent of the people that live in coastal America, that if you build the house the way you should, if you pay your premiums, if you buy this additional coverage, if your house is destroyed in the course of a hurricane

or substantially damaged in the course of a hurricane, you don't have to be there with a video camera to record whether it's wind or whether it's water. You paid your premium, you built it right, you are going to get paid.

One of the gentlemen mentioned that the insurance companies have settled 90-something percent of the claims. Let me address that.

I was pretty busy, as you might guess, after the storm. I put off meeting with my adjuster for 2 weeks. By the time I met with my adjuster, I had heard dozens, if not hundreds, of my constituents as I am going around passing out MREs, told me, ''They already told me they are not going to pay me. I had a homeowners policy. They are not going to pay me.''

So by the time they came to my house, I asked my agent, Please don't say a word. Each one of my steps is about 3 feet. Let's just count the steps until we find my roof. We paced off about 150 of them, 450 feet. I showed them my roof and pointed out it was tin. I reminded them that tin doesn't float. I showed them the holes where it had been ripped through the bolts.

I said, This is my roof. I am the only guy in this neighborhood that has this style roof. This is my roof, and it is 450 feet from where my house used to be. Now let's walk back to where my house used to be. Miss, what do you have to say? This to the claims adjuster.

The first words out of her mouth, I see no evidence of wind damage. We are, however, prepared to pay your flood claim. To which I reminded her that was very sweet of State Farm. That is not their money; that is the Nation's money. What about the claim for that roof that flew over there?

What we are trying to do with this is prevent the need for my constituents, your constituents, anyone who lives in coastal America, to have to stay behind with a video camera to record the destruction and possibly die with these claims. If you build it right, if you pay your premiums, then you get paid. Pretty simple. Under the PAYGO rules of this House, it will pay for itself. It has to. It is written in the law.

Lastly, we quit putting the insurance companies in a position where they can bilk the taxpayers for billions of dollars. What some of you may not know, something I will be entirely grateful for, is because so many homeowners claims weren't paid in south Mississippi of people who lived outside the floodplain, who had homeowners insurance but didn't get paid, in one of the appropriations bills after Katrina, $4 billion in taxpayer dollars was included to pay those people's insurance claims. The taxpayers paid for what State Farm, Nationwide, and Allstate should have paid.

So when people say this is some sort of raid on the Treasury, I see it as just the opposite. This is creating a program where the Nation won't have to ride to the rescue next time because people will have bought insurance ahead of time, in a program that pays for itself, in a program that says if you built it right, if you pay your premiums, an act of God destroys your house, you are going to get paid.

I can't think of anything that is more fiscally responsible. I can't think of anything that is more right for the citizens. And I would remind my colleagues that the National Association of Homebuilders, the National Association of Realtors, and the National Association of Bankers, when given the opportunity to look at this bill in its totality, have endorsed this bill as it is written, including the wind versus water language to allow people to buy all-perils insurance.

I thank the chairman for his leadership on this. No one can say they have been blindsided on this issue. The hearings on this issue began in January. The debate on this issue started the week after the storm. There has been ample opportunity for people to weigh in on this issue.

I very much thank again the chairman, Ms. WATERS, Mr. MEL WATT, for the opportunity to bring this to the floor and the opportunity to right an egregious wrong against the American people.

Lastly, I would like to remind people that even with Katrina, the insurance industry made $42 billion in profits the year of Katrina. So while they are simultaneously telling their employees, don't pay the individual, while they are sticking the bill to the citizen, if you have any doubt in your mind why flood insurance lost so much money, it is because they made so much money that year. We are trying to correct that. I hope you will help us.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentlewoman for yielding.

Mr. Chairman, I appreciate that many homeowners around the country require affordable insurance against natural disasters. However, I also know that the Federal Government cannot afford spending at the excessive levels we are spending at. By expanding the National Flood Insurance Program, the NFIP, H.R. 3121 would put the Federal Government on the hook for even more billions of dollars.

Coming from a State prone to hurricanes, I am sensitive to those needs and to those who live in high-risk areas for natural disasters. But it would be irresponsible for the Federal Government to expand its program without fully understanding the repercussions. Unfortunately, many Americans will likely once again find themselves affected by devastating natural catastrophes such as hurricanes. The NFIP already owes the Department of Treasury around $18 billion, and it is unlikely that they will ever be able to repay this amount; $18 billion.

So should we now increase the NFIP's exposure, thus increasing the Federal Government's liability, by expanding this program to include wind insurance? To do so would be unfair to the taxpayers who would be stuck with this bill, Mr. Chairman.

□ 1330

Expanding this already distressed program will increase the Federal Government's liability, and will almost definitely increase government spending on a huge scale while crowding out private insurance markets.

Therefore, I urge my colleagues to join me in voting against H.R. 3121, the Flood Insurance Reform and Modernization Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time and permitting me to speak, and for the hard work he and his committee have invested in this.

Mr. Chairman, the area of flood insurance is one that I have been focusing on over the last half dozen years. I was pleased to work with our former colleague, Doug Bereuter, with Chairman FRANK and with then-Chairman Oxley on some serious flood insurance reform that predated the most recent disaster with Katrina. During that time, I had a chance to learn a lot about opportunities that the Federal Government has to alter its programs and policies to reduce this long-term exposure, and to think about the redesign of the partnership between the private sector, the State and local governments.

While I appreciate my friend from Mississippi's tenacity in zeroing in on an area of very serious problem dealing with wind damage, and he has documented in great detail the almost impossible situation that many of his constituents and others in the Hurricane Katrina area have faced, I am trying to keep an open mind in terms of how far we go along the lines in terms of expanding it to add wind damage.

I don't think that we have seen the end of this process. I am looking forward to working with my colleague on the legislative process as it moves along. I am deeply concerned that we haven't come to grips with the financing of our flood insurance program. We are looking at upwards of $20 billion, and we are slowly having some actuarial balance added to these programs; but, it still lags. Not only is there a problem of not having actuarial balance to be able to provide the sums that are necessary to maintain this as a self-supporting program, because as it stands now, that is going to be a stretch. It is going to take a long time without serious incident for us to get there.

I am also concerned that we need to do a better job of making sure that the Federal Government and State and local governments aren't putting more people in harm's way. In too many areas we have seen that there has been,

shall we say, reluctance on the part of local authorities and State authorities to be rigorous in making sure that we are not pouring large sums of public investment in areas where it is encouraging people to locate in places where we know there is going to be damage over time.

Last but not least, later in this debate we will be talking about working with FEMA to make some adjustments to take into account global warming, climate change and rising sea levels, because this is an area that is going to compound lax local land use controls and unsteady development processes that is going to end up creating a disaster out of our disaster relief.

I can't say enough about how much I appreciate the committee's willingness to be involved in an area that some think is esoteric, that is sort of mundane, that is sort of too detailed and unexciting. But it is precisely that sort of attention that is going to make us have a stronger program that is going to meet the needs of people and is going to do so in a way that actually helps keep people out of harm's way, which ought to be our ultimate objective.

We ought to make sure that all of these forces save money, save lives and protects the environment. I think this legislation moves in that direction. I look forward to working with the committee as this legislation works its way through the legislative process to better achieve that goal.

Mrs. CAPITO. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentlewoman from Florida (Mrs. GINNY BROWN-WAITE).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield an additional minute to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise to engage my good friend Chairman FRANK in a colloquy concerning the bill.

Mr. FRANK, as you recall during the committee process before we actually marked up H.R. 3121, my Florida colleagues and I raised some serious questions and concerns over expanding the flood program to cover wind. We are concerned that while this expansion may help some in areas of the United States, we were uncertain whether it would hinder some States like Florida that tend to be excluded from the national insurance market.

You will remember Representatives FEENEY, PUTNAM and I introduced an amendment that struck the provisions expanding NFIP to cover wind losses. The amendment put a GAO study in its place to give members in the department time to vet this issue further. Unfortunately, the amendment did not pass the committee, but you and I asked for a GAO study very similar to the one included in the amendment.

You and I have worked closely on issues in the past, and I know that you are a man of your word and you have always given those of us with differing thoughts an opportunity for ample discussion and consideration.

I am hoping today to get your word that when the GAO study is released in April, that the committee and the regulators will take into serious consideration their findings. For example, some of the questions we asked were whether consumers would be able to purchase wind and flood policies at sound, actuarial rates; whether FEMA had staff available and was prepared to administer such an expansion; and how much an expansion of this nature would expose taxpayers to future losses. Those and other questions that were posed, they are tough questions that GAO will be responding to.

But I hope I have your commitment that the Committee on Financial Services members who support an expansion and the regulators listen and respect the findings, regardless of the outcome. I would ask for that commitment, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I must say, Mr. Chairman, the gentlewoman asks for my word, and I am tempted to assume a cultural pose which I haven't always had and simply say, ''Word.'' But I am not sure that is still in vogue. I'm sometimes behind in my fashionableness.

I will say this to the gentlewoman; she has been very constructive and we have been able to work together on this and other matters, including on the most recent legislation involving floods. Certainly I will do everything I can to see that this is given very serious consideration.

Now I should add, the recommendations may mean a curtailment of the program or an adjustment of the program. If the argument is that FEMA is not well structured, the response might be to try to improve the structure of FEMA. But I take this report very seriously. So she has my word that we will take this very, very seriously. In fact, I would say when we get the report, the first thing we will do will be to have a hearing on it and then go from there.

Ms. GINNY BROWN-WAITE of Florida. I look forward to continuing this ongoing work relating to the NFIP program.

Mr. FRANK of Massachusetts. Mr. Chairman, I have no further requests for time, and so I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to Mr. GILCHREST from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentlewoman for yielding, and thank Members on both sides and staff for working on this vital issue.

I want to take a minute or two to tell the Members that there will be an amendment coming up during the amendment process offered by Mr. BLUMENAUER and myself to deal more effectively with how the Federal Government determines taking into consideration future effects of climate change on the American taxpayer and homeowners. I would urge all of my colleagues to vote for the amendment.

The amendment does basically two things: Are we, as a Federal Government, providing incentives to put more people in harm's way in coastal areas and are we adding cost to the Federal taxpayers as a result of that; and are we incentivizing ecological degradation?

I say that because there are maps on coastal areas and there are maps on flooding and there are maps on predicting storms that are all based on history. Nothing is projected into the future with an understanding of what global warming is going to do.

Let me tell you how it has impacted my district in the Chesapeake Bay. Poplar Island for decades was a popular place for many people in Maryland, including Presidents of the United States. It was 1,500 acres. It is now 5 acres as a result of sea level rise. We are now restoring that island with dredged material.

Holland Island, 350 people lived on Holland Island. It was 5 miles long and a mile and a half wide. It is down to 100 acres today, and nobody lives on Holland Island.

Barren Island was 582 acres. It is down to 120 acres now.

Areas in my district, Blackwater Refuge, for example, in Dorchester County, loses 120 acres a year due to sea level rise and exacerbated erosion problems.

It is not taken into consideration by the Federal Government, by FEMA, or anybody else, to project those natural causes that are occurring right now. In the Chesapeake Bay, sea level used to rise 3 feet every 1,000 years. In the last 100 years, it has risen a foot and a half. It is important for us to take these things into consideration.

I urge Members' vote on Mr. BLUMENAUER's amendment when we come to that point in the debate.

Mrs. CAPITO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Financial Services Committee.

Mr. HENSARLING. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I listened very carefully to the gentleman from Mississippi, and he may recall that I went to his hometown and I saw what was left of his home. I saw that devastation and I spoke to those people firsthand.

Although my family didn't feel quite that devastation, my in-laws lived in New Orleans and their home was severely damaged in Hurricane Katrina. My father-in-law was in the New Orleans Convention Center when all of the violence broke out. That is something that my family knows about, so I know there has been a lot of pain in that community. And I have no doubt that

the Federal Government, which has already rendered over $100 billion of taxpayer aid, can do more good; but I fear, I fear this is not the solution.

Now I look at the legislation and I understand it is designed to be actuarially sound. I understand that the taxpayers aren't supposed to have to pay more. I understand that factory worker in Mesquite, Texas, in my district, who generously gave to help fellow Americans in their time of need, he has come to me and said, ''Congressman, I want to be helpful, but tell me we don't have to do this again.''

Congress can't outlaw hurricanes, but what do we do to make sure that he doesn't have to pay again.

So now we have a program that is not actuarially sound. It was designed to be, but it is not. So on the coverages that we have, and I will admit under the chairman's leadership there have been a number of reforms put into the program that I support, but we are increasing coverages. We are upping coverages. We are adding wind on top of a program that already owes the taxpayer $20 billion that they have no way to pay for whatsoever.

I would note, we had other insurance programs that were supposed to be financially sound: Social Security, which now is a long-term deficit of $8.9 trillion; Federal Pension Benefit Guaranty Corporation is supposed to be fiscally sound, running a deficit of $18 billion, off-balance sheet liability of $73 billion. We have already talked about the National Flood Insurance Program, Federal crop insurance, Medicaid. I could go on and on.

Mr. Chairman, I have no doubt again that the people on the gulf coast continue to be in need. But we were told a little earlier this week, I believe by our Speaker, this is supposed to the Congress of the child. Well, let's look at the future of our children. When you look at the spending of the Federal Government already, we know that Chairman Bernanke has said, ''Without early and meaningful action, the U.S. economy will be seriously weakened, with future generations bearing much of the cost.''

□ 1345

That's just with the government we have today. The GAO has said we're on the verge of being the first generation in America's history to leave the next generation with the lowest standard of living due to all of this spending. This program makes it worse. It must be rejected.

The CHAIRMAN. The gentleman from Massachusetts has 3½ minutes remaining. The gentlewoman from West Virginia has 8 minutes remaining.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I thank my colleague from West Virginia for yielding. The ranking member is very generous with yielding.

I want to thank the committee chairman, my colleague from Massachusetts, for having an open and fair process in the committee. We had a number of amendments through that whole process that were vigorously debated, and there was a lot of discussion about continuing that vigorous debate on the House floor to work out some compromises, and the committee Chair honors his word in committee. I want to thank him for that.

Unfortunately, the Rules Committee did not allow these amendments to come forward to the House floor, and that is a great shame. I think the work product coming off this House floor will be less than it could have been had we had an open and fair process here on the House floor.

It is obvious and true that the National Flood Insurance Program is already in deep trouble. It's $18 billion in the hole. Since 1981, over the last 26 years, it's borrowed from the Treasury 14 times, $18 billion in the hole. Certainly it needs reform.

I think the underlying reforms for flood insurance in this bill are appropriate and good, and I appreciate the chairman of the committee, and I appreciate my colleague from Massachusetts accepting my amendment in the committee that says that new and renewing multi-peril policies shouldn't be extended in a time when the National Flood Insurance Program is borrowing from the Treasury. I think that's proper, and I appreciate him accepting that in this bill.

But overall, this addition of wind will actually step into the private sector and private market that is largely working and has largely worked for the last 100 years in this country. There have been a number of failures, and that is on occasion what happens; but with the private sector, it can be done on an actuarially sound basis.

What we're doing under this bill by adding a wind proposal is exposing the taxpayers to tens of billions of dollars' worth of additional unfunded liabilities, and that's why I'm going to have to sadly vote against this bill.

I urge my colleagues to vote ''no.''

Mrs. CAPITO. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentlewoman for yielding the time, and I want to talk a little bit about my own background.

I was in the insurance business for 13 years, worked strictly on commission. I was a broker, which meant I worked for the buyer, helping them find the best quality insurance in the insurance marketplace. I also represent the entire coast of the State of Georgia. I've been involved in flood insurance and wind storm insurance and fire insurance a great deal of my adult life. So I'm very familiar with this. In fact, I'm the only CPCU in Congress, which means Charter Property and Casualty Underwriter. That's a professional designation. I know this stuff is my point.

Now, what you have with the insurance business is you have two types of profits, one they make from underwriting. They don't want to insure a building if they know it's going to burn down because they won't make an underwrite profit. Fair game. They do everything they can to make sure the building does not burn down.

They also make a second kind of profit called investment profit. When they get the cash flow from premiums from underwriting, they invest it and they make a lot of money in that. But generally speaking, insurance companies are risk averse. They don't want to insure wind if you're on the coast. They don't want to insure flood if you're in a flood zone. It makes sense from a business standpoint.

But as they will gladly cede this to the Federal Government, then what happens is exactly what Mr. MCHENRY said: you have the private sector pulls out of it. They don't put in their ingenuity to it.

Now my friend Mr. TAYLOR, and I know having represented coastal areas, it is possible that there are a lot of buildings and homes that have been constructed that probably shouldn't be there or probably shouldn't use the construction standards that they should, I know as I go over the entire district of Georgia on the coast that people in Idaho and Iowa and Maine are subsidizing the flood policies for my homeowners out there.

It's hard to say this is politically unpopular, but it is the truth. I just want to say that the insurance companies need to own up to their social responsibility. They don't need to take a walk on this.

The Federal Government is already supplying health care, retirement benefits, transportation benefits, food, drugs, even school uniforms and babysitting. Yes, there are programs for that. I don't believe the Federal Government needs to get into the wind storm pool in a major way. We need to let the private sector continue to provide this service, and we need to look ourselves in the eye and say maybe not all these buildings should be built.

I urge a ''no'' vote on this.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes to take up the suggestion of the gentleman from Georgia. He said that the insurance companies should be required, I guess, to live up to their social responsibility. I agree.

The committee of which I'm the Chair has the jurisdiction on that; and if he has any recommendations about what we can do, I'd be glad to do it, but not in that way right now.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. KINGSTON. If they want to make a profit from it, then we should not let them take a walk from it. They will figure out a way to do it.

Mr. FRANK of Massachusetts. It is not in our power to tell them not to take a walk. They are a private sector

entity. So unless there was to be some legislative change, there's simply no power, particularly at the Federal level, because insurance has historically been a State issue; but when the gentleman says we shouldn't let them walk away, I might be inclined to agree with that.

There's nothing in the Federal Government now that would allow us to stop them from walking away, and our committee is available if anybody has any proposals to increase the role of the Federal Government, and I yield to the gentleman.

Mr. KINGSTON. Keep in mind, we did not even have a flood program until recent times. The underwriter will take care of it.

Mr. FRANK of Massachusetts. I'll take back my time to say that's irrelevant. We weren't talking about the history of the flood program.

The gentleman said we shouldn't let the private companies walk away from their social responsibility. I wish he would tell me how he thinks we can do that. I will be glad to yield to the gentleman if he wants to get back to the subject, but not when I'm still posing the question, because he apparently didn't understand it.

He said if they're not living up to their social responsibility, we should make them do it. I don't know how we can do that. If he wants to suggest to me new powers it would seem to me for us to take to do that, I'll listen.

I yield to the gentleman.

Mr. KINGSTON. Let me say this, we were not in the Federal flood insurance program until recent times.

Case in point, I used to sell flood insurance; but when the Federal Government grew into it, the private sector withdrew from the market.

Mr. FRANK of Massachusetts. I will take back my time, Mr. Chairman, to say that simply isn't accurate today. Others know it better than I, but we've had insurance companies withdrawing from offering policies that are not covered by Federal flood insurance. The Federal Government covers only flood insurance.

So I would repeat to him, his history is interesting; but he says we shouldn't allow them to walk away, and I don't know any way we can prevent them.

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

Mrs. CAPITO. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia.

Mr. KINGSTON. Let me say this, I would love to continue this dialogue and that's why we wanted some amendments so that we could try to work out some of these differences.

But in your great State, in Massachusetts, in Boston or in Savannah, Georgia, historically very old communities, there weren't Federal programs that did the underwriting. These were all built by the private sector.

What I'm saying is if you just step back and let the market do its place, the market will continue to work wonders as it did for hundreds of years in the United States of America until the Federal Government let them start taking a walk by providing products that competed with the private sector.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to say that simply isn't true. That's not the causality.

The notion that it was the Federal Government trotting them out is simply not accurate, and again, the phraseology of the gentleman is not that we should allow them to do it, we shouldn't let them walk away. I don't know any way to not let them walk away.

Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I'd like to remind the gentleman from Georgia that what this is all about is getting the companies to live by their contract.

Thousands of my constituents, including one of the most powerful Members of the United States Senate and a Federal judge, had to hire lawyers and engineers to get fairness from their insurance companies. If they're going to do that to a powerful Senator or if they're going to do that to a Federal judge, what kind of chance does a schoolteacher, a chief petty officer, a high school football coach have?

The fact of the matter is they have not lived up to their responsibilities. That's what brings this bill to the floor today.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Georgia.

Mr. KINGSTON. Because as I understand it, TRENT LOTT lost a family home that was like 100 years old or something in Mississippi. There was no Federal insurance program of any nature when that house was built, which is my point for Boston and for Savannah, Georgia. All of those old buildings never had any Federal insurance programs: fire, flood or windstorm or anything else.

And what I'm saying is I agree with you. They are not pleasant to work with, and I understand and I want to commend the gentleman for his great work on this. But the reality is, if the Federal Government steps in, the private sector will move out.

The CHAIRMAN. The gentleman from Massachusetts' time has expired. The gentlewoman from West Virginia has 3 minutes to close.

Mrs. CAPITO. Mr. Chairman, I yield the remaining time to close to someone who has lived and breathed this issue for many, many years, an expert in the area, the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I thank the gentlewoman for yielding and wish to quickly say as a Louisianan, obviously I am a defender of the flood insurance program.

I want to commend Chairman FRANK for his willingness to work with us and all affected parties in crafting a flood insurance program reform which I thought was a very good product. It was only with the addition of the wind exposure element to the underlying bill that I began to have any concerns about the legislative direction of the chairman's recommendation.

Currently, the notional value of flood insurance in effect, just flood, not to confuse with wind, today is $1,092,932,778,000 as of a June 30 FEMA report. That's the potential exposure of the flood insurance program to claims pursuant to contract.

We know that the current flood program with the actuarial system in place cannot repay the debt it currently has. To put into scale what the additional risk brought onto the U.S. Government books will look like, the industry estimate from New England to the gulf coast only is an additional $19 trillion of risk exposure.

The limits in the bill that have been described is it's only available where you can buy flood insurance. We sell flood insurance in New Mexico. We sell it in Boulder, Colorado, and we sell flood insurance in Guam, and the entry to the wind program is to buy the flood policy, so that we will, in fact, nationalize wind insurance coverage via the flood program, opening the U.S. taxpayer to a risk and a payment for which there is not an adequate stream.

Some say, well, the bill requires actuarial rating. The flood insurance program has actuarial rating, but it's not industry actuarial. It only looks to historical claims data. There's no risk modeling to look forward.

Those who have laid claim to the fact that weather cycles are more severe, damages are likely to escalate, that is not data which is incorporated into the flood insurance premium structure. So there will be problems with the implementation of the program as currently drafted.

Am I suggesting we do nothing? Absolutely not. Do I think that the current system is adequately taking care of the risk of those who live along coastal areas? Of course it isn't.

I have legislation which I am planning to introduce and hoped to have had introduced before consideration of this bill on the floor which will enable the issuance of a privately issued policy, multi-peril; but it would be exempt from State price controls.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. His point about the flood insurance not being actuarially sound is right; but in this bill, because it is subject to PAYGO, we have a more stringent standard. So it is not totally valid to say, oh, look, it was supposed to be actuarially done. The wind program here is written to a much stricter standard.

Mr. BAKER. If I may reclaim, I would only make the observation that both flood and wind have access to a

line of credit. The line of credit is not conditioned for flood only. Therefore, the taxpayer does have exposure to the limit authorized by statute, which is $20.8 billion.

Mr. FRANK of Massachusetts. But not according to CBO, I would say to the gentleman.

Mr. BAKER. Well, we have a dispute.

Mr. FRANK of Massachusetts. Mr. Chairman, I submit the following exchange of letters regarding H.R. 3121.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, September 26, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: On behalf of the more than 1.3 million members of the National Association of REALTORS® (NAR), I ask for your vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, when it is considered by the House of Representatives on Thursday, September 27.

The National Flood Insurance Program (NFIP) offers essential flood loss protection to homeowners and commercial property owners in more than 20,000 communities nationwide. The bill, as written, will help protect homeowners, renters and commercial property owners from losses sustained from flooding. NAR strongly supports the following changes to the NFIP contained in the bill including:

Extending the NFIP for five years;

Ensuring that the 100-year flood maps are updated as expeditiously as possible;

Increasing coverage limits to $335,000 for residential and $670,000 for commercial properties;

Supporting education of tenants about the availability of flood insurance while providing flexibility to property owners and mangers in the manner of providing such notice;

Adding coverage for living expenses, business interruption, and basement improvements;

Extending the pilot program for mitigation of severe repetitive loss properties; and

Studying the impacts of eliminating subsidies on homeowners, renters and local economies.

It is critical that flood insurance remain accessible for all individuals who own or rent property in a floodplain. I urge you to vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, on Thursday.

Sincerely,

PAT V. COMBS, ABR, CRS, GRI, PMN,
2007 President, National Association of Realtors®

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, September 26, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

Dear REPRESENTATIVES: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express our support for H.R. 3121. the Flood Insurance Reform and Modernization Act of 2007 as amended by the Manager's Amendment. which includes much-needed technical improvements to the underlying bill.

As you know, Hurricanes Katrina, Rita and Wilma radically disrupted the lives of those living on the Gulf Coast. After the storms' passing, many homeowners found themselves in dispute with their property insurance companies over whether water or wind was the primary cause of damage to their homes. After much debate, one proposed solution which has emerged to address this conflict is to expand the authority of the National Flood Insurance Program (NFIP) to include wind coverage.

NAHB is pleased that the bill incorporates new language to provide wind insurance coverage for home owners. H.R. 3121, as amended by the Manager's Amendment, would provide a needed addition in expanding the availability and affordability of property insurance in high hazard areas. Additionally, it references the mitigation requirements of consensus-based building codes as a measure to lessen the potential damage caused by a natural disaster and thus further ensure the financial stability of the NFIP.

NAHB remains concerned about the overall solvency of the NFIP, but we also view this program as not simply about flood insurance premiums and payouts. The NFIP is a comprehensive tool to guide the development of growing communities while simultaneously balancing the need for reasonable protection of life and property. The specific method Congress uses to achieve this balance could potentially impact housing affordability as well as the control local communities have over their growth and development. NAHB believes that H.R. 3121 strikes the proper balance in protecting the NFIP' s long-term financial stability while ensuring that federally-backed flood insurance remains available and affordable.

As this new NFIP expansion moves forward, NAHB encourages Congress to limit the amount of the program's fiscal exposure to ensure its financial sustainability and to require premiums for the new multi-peril coverage to be risk-based and actuarially sound. NAHB commends the work of the House Financial Services Committee in crafting legislation to preserve and enhance this important federal program, and we urge your support for H.R. 3121, as amended by the Manager's Amendment, when it comes to the House floor this week.

Thank you for your attention to our views.

Sincerely,

JOSEPH M. STANTON

Re: Support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

Washington, DC, September 26, 2007

MEMBERS OF THE HOUSE OF REPRESENTATIVES,

I am writing on behalf of the members of the American Bankers Association (ABA) to express our support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, scheduled to be considered by the full House later this week.

Since 1968, nearly 20,000 communities across the United States and its territories have participated in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities.

Losses from three large hurricanes (Katrina, Rita, and Wilma) in 2005 have left the NFIP more than $23 billion in debt to the Treasury. There is no way that the NFIP can reasonably repay this debt and provide payment for future losses under the current rate structure. The likelihood of additional flood events and resulting claims against the program make reforms vital.

This legislation would require the Federal Emergency Management Agency (FEMA) to update the flood maps, and it would provide a phase-in of actuarial rates for commercial properties and non-primary residences. ABA supports these efforts as being necessary to sustain the program over the long term.

H.R. 3121 also would increase the penalties for non-compliance in placing flood insurance, from $350 per violation to $2000 per violation. We are pleased that the legislation would provide a ''safe harbor'' for an institution which is in non-compliance due to circumstances beyond its control (such as outdated mapping by FEMA). We also are pleased that the legislation would provide institutions with an opportunity to correct non-compliance before a penalty is assessed and place a reasonable limit for total penalties per institution/per year.

We urge you to support this important legislation.

FLOYD STONER,
Executive Director, Congressional Relations & Public Policy, ABA.

Mr. PAUL. Mr. Chairman, Madam Speaker, I am pleased to lend my support to two amendments to H.R. 3121, the Flood Insurance Reform and Modernization Act, that will help those Americans, including many in my congressional district, at risk of increased flood insurance premiums because of actions of the Federal Emergency Management Association (FEMA). FEMA is demanding that many towns and communities spend thousands of dollars in taxpayer money to certify levies and other mitigation devices. If the levies are not certified to FEMA's satisfaction, the residents of those communities will face higher flood insurance premiums. Many local governments are struggling to raise the funds to complete the certification in time to meet the FEMA-imposed certification deadlines.

Several communities in my own district have been impacted by these requirements. My office is working with these jurisdictions and FEMA to establish a more reasonable schedule for completing the certifications. My office is also doing every thing it can to help these local jurisdictions fund these projects. Unfortunately, even though there is never a shortage of available funds for overseas programs, there are no funds available to help countries comply with this new federal demand.

While FEMA has thus far been willing to cooperate with my office and the local officials in providing extensions of deadlines for certification, there remains a serious possibility that many Americans will see their flood insurance premiums skyrocket because their local governments where unable to comply with these unreasonable federal demands. In some cases, people may even loose their flood insurance completely.

The amendments offered by Mr. CARDOZA of California will help alleviate this problem by providing a five-year grace period for homeowners whose flood insurance coverage is affected by decertification of a levy. During this five-year, these homeowners would receive a 50 percent reduction in flood insurance premiums. Another amendment, offered by Mr. GREEN provides a five-year phasing in of any changes for flood insurance premiums for low-income homeowners impacted by the updating of the flood maps. These amendments will benefit my constituents, and all Americans, whose flood insurance is endangered by FEMA's certifying requirements, and I hope my colleagues will support them. I also hope my colleagues will continue to work to help those communities impacted by the new mitigation requirements.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 3121. This bill, the Flood Insurance Reform and Modernization Act, takes important steps towards bolstering the protection provided to homeowners in disaster-prone

areas who face a constant threat of flood and windstorm damage.

Nearly all of my constituents and my fellow Floridians fall into this category. In Florida, especially, H.R. 3121 will help to ease the homeowners' insurance crisis that grows worse everyday.

Expanding the federal flood-insurance program to include wind damage simply makes sense. Those who have their homes flooded are often in the path of destructive storms that wield powerful winds.

Common sense would dictate that if we are seeking to help protect homeowners from the liability that comes from destructive natural disasters like hurricanes, we would consider all of the forces of nature associated with these storms.

Instead of arguing today why we should include wind damage into this program, the discussion should rather be about why we have gone for so long without it.

While I understand the costs associated with this bill are an issue with some of my colleagues, the cost of doing nothing is much greater.

Many of the homeowners in my District, in the State of Florida, and in disaster-prone areas throughout the United States spend each day staring down the barrel of a gun—waiting for the storm to hit that will put them and their families on a path to financial ruin.

We have a chance to do something about this today.

It is this body's responsibility to act in the interest and welfare of the American people. Vote YES on H.R. 3121, and vote yes to protect millions of homeowners and their families.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the Cardoza-Ross-Reyes Amendment to H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

This amendment will provide a 5 year grace period for homeowners who are required to purchase flood insurance as a result of new flood maps that decertify previously certified levees. During this period, homeowners would be entitled to a 50 percent reduction in their flood insurance premium while the levees are being recertified.

Recently, while updating flood maps in my congressional district, FEMA asked the Army Corps of Engineers to certify that the Santa Maria Valley levees would protect the City of Santa Maria for the next 100 years. Without the Corps' certification, much of the community will be placed in a flood zone and many of my constituents will be required to purchase expensive Federal flood insurance, something that many of them cannot afford.

The Cardoza-Ross-Reyes Amendment addresses this problem.

Since the Army Corps of Engineers completed the 26-mile Santa Maria Valley levees in 1963, the City has prospered, becoming the largest in Santa Barbara County. However, I over the years, natural deterioration of the levees has undermined their strength, leaving the community vulnerable to potentially devastating flooding by the Santa Maria River.

I am working with the City of Santa Maria, Santa Barbara County, and the area's other elected officials to restore the levees so they can be certified by the Army Corps of Engineers and, more importantly, so our community can avoid a catastrophic flooding event.

Mr. Chairman, this amendment is extremely important to my constituents. It will provide them with much needed relief in a potentially expensive time.

I urge all of my colleagues to support the Cardoza-Ross-Reyes Amendment.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

In April of this year, severe rainstorms in New Jersey caused the Delaware River to overflow for the fourth time in the past 2 years. Each of these floods caused substantial damage to the homes and businesses of my constituents in Mercer and Hunterdon counties. After each incident I toured the affected areas and met with local officials, residents, and business owners. Two primary concerns were raised by my constituents in each of these meetings. Residents wanted to know what efforts are being made to prevent future flooding and they wanted to be assured access to the financial resources available to them.

The legislation before us today provides needed comprehensive flood insurance reform. It will address concerns of the residents in my Central New Jersey district by expanding, improving and reauthorizing the National Flood Insurance Program, NFIP, through 2013. The NFIP is federally backed flood insurance available for purchase to homeowners, renters and business owners in 20,000 communities across the nation. In order to be eligible, these communities are required to adopt floodplain management ordinances to reduce future flood damage.

H.R. 3121 will improve the NFIP by increasing and expanding access to flood insurance policies. For the first time since 1994, the bill updates maximum insurance coverage limits for residential and nonresidential properties. It will create business interruption coverage policies for business owners to better prepare them to meet payroll and other obligations after a flood occurs. Additionally, this bill makes optional coverage at actuarial rates for basement improvements and for the replacement of items damaged by flooding. It also encourages participation in the NFIP through community outreach programs.

This legislation will help protect consumers and ensure that homeowners who should have flood insurance have it. H.R. 3121 increases the fines on lenders who do not enforce the mandatory flood insurance policy purchase requirement for those who live in a floodplain and hold a federally-backed mortgage. It will also clarify the disclosure requirements for flood insurance availability and require plain language information on flood insurance policies. It removes the current $500,000 per apartment building insurance cap and will allow each unit in the building to be insured for its total value. It requires landlords to notify their tenants of contents coverage availability. Further, the bill makes flood insurance effective immediately upon purchase of a home.

Not only does this bill work to ensure that insurance coverage is available to those who need it, it will help us to find better ways to prevent flooding in the future by requiring the Federal Emergency Management Administration, FEMA, to map the 500-year floodplain. It also makes the updating and modernization of flood maps an ongoing process, and increases funding for mapping. According to the Delaware River Basin Commission which works on issues relating to the Delaware River, updated floodplain maps will allow us to better predict areas that are vulnerable to flooding and identify ways to prevent floods from happening.

I urge my colleagues to support H.R. 3121.

Mr. BACA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I rise to support of H.R. 3121 a bill that will modernize and reform FEMA's flood insurance program and thank Chairman FRANK and MAXINE WATERS for their leadership on this legislation.

This bill will provide long overdue and much-needed reforms to the National Flood Insurance Program, NFIP, and update the program to meet the needs of the 21st century.

Hurricane Katrina caused property damage from both wind and flooding in parts of five parishes of Louisiana, three counties of Mississippi, and two counties of Alabama.

Yet insurance companies in those areas have refused to count claims where property damage was a result of both wind and water. Instead, for 2 years they engaged in the practice of denying and delaying claims and took advantage of the desperation of disaster victims who lost everything.

This bill provides fair and equitable protection of combined wind and flood losses by allowing property owners to purchase wind and flood coverage in a single policy. It will help us right that wrong for many victims.

As we saw during Hurricane Katrina, FEMA's maps are significantly outdated, often understating flood risk and leaving homeowners without enough information to protect themselves.

I am pleased that this bill includes provisions to address this problem by requiring FEMA to conduct a thorough review of the nation's flood maps, making the updating and modernization of flood maps an ongoing process, and increasing funding for mapping.

H.R. 3121 addresses a number of weaknesses in the Flood Insurance Program that were exposed by the unprecedented 2005 hurricane season. It is a strong bill that will ensure the program's continued viability, encourage broader participation, and increase financial accountability.

I urge my colleagues to support this important legislation.

Mr. WELDON of Florida. Mr. Chairman, I am very concerned about the need to enhance access to affordable storm damage insurance, particularly for those living in communities like the one I represent in Florida. Indeed I have cosponsored and authored legislation that would do just this and compliment the steps that have already been taken by the State of Florida to address this issue.

Asking American taxpayers to assume $19 trillion in potential liabilities under a program that the Government Accountability Office, GAO, has already deemed insolvent just does not make good common sense. If an insolvent private company came before the regulators asking the regulator to further expand their liabilities, as is being done in H.R. 3121, the regulators would reject the application outright.

Increasing the potential liabilities of the National Flood Insurance Program, NFIP, as is done in H.R. 3121—without first paying off the NFIP's $19 billion debt—is unwise. Furthermore, the GAO and the Congressional Budget Office, CBO, admit that the $2 billion in annual premiums that NFIP takes in each year makes it virtually impossible for the NFIP to pay off this debt. No rational person would buy insurance from a private company who was $18

billion in debt or has borrowed from the U.S. Treasury (taxpayers) 14 times just to keep from going bankrupt.

Forcing H.R. 3121 to the floor while blocking amendments from Republican Members of Congress, especially from Members from Florida and other States who deal with hurricanes on a regular basis, does not speak highly of the integrity of this program.

As a father, I worry greatly about the burden we are passing onto our children. With reckless abandon, this Congress is rushing headlong into the future without any thought of what the ramifications of our decisions will have on our children and grandchildren. With every indication that Social Security will be bankrupt by 2042, with the Medicare program $17 trillion short already, the House passed another massive spending program with unfunded liabilities estimated at $180 billion this week in the State Children's Health Insurance Program, SCHIP. In the college student loan bill that we passed earlier this year, this Congress added tens of billions of dollars in potential liabilities. Today this House is going to ram through another massive spending program where, as stated in a study by actuaries Towers Perrin, payouts to insurers for wind damage in a given storm could be $100 to $200 billion.

The GAO estimates that the current unfunded liability that our children face is over $46 trillion, amounting to nearly $375,000 per full time working American. Adding the additional potential liability of $19 trillion in this bill would raise that to more than $500,000 per full-time working American. We need to face reality and begin to think about our children and the America that we are going to leave them.

As we think about the type of America we are creating for our children, I am reminded of a warning given years ago:

A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy . . .

That is what this bill before us today does. It votes largess today, for political gain, while saddling our children with the debt. In good conscience I cannot do that. We owe it to future generations of Americans to turn the corner here and put their interests above our own.

As the Comptroller of the GAO stated in his testimony before the Senate Homeland Security Committee in 2005, the United States is on an unsustainable fiscal path and our future standard of living will be gradually eroded—if not suddenly damaged—if we continue on this path.

Reforming the NFIP is necessary, and this bill includes some important reforms, such as a phase-in of actuarially determined rates for some currently subsidized property owners. However, this bill does nothing to address the concerns raised by the GAO in the 2006 report that outlines the management and accountability problems after hurricanes Katrina and Rita.

The easy thing to do would be to simply vote for this bill and put the burden of paying for it on our children and grandchildren, much like Washington has done already with dozens of other insolvent federal programs. But that would not be the right thing to do, and it is for that reason that I cannot vote to further burden our children with costs that we are not willing to pay for ourselves today.

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, modified by the amendment printed in part A of House Report 110–351, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 3121

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flood Insurance Reform and Modernization Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Study regarding status of pre-firm properties and mandatory purchase requirement for natural 100-year floodplain and non-federally related loans.
Sec. 4. Phase-in of actuarial rates for nonresidential properties and non-primary residences.
Sec. 5. Exception to waiting period for effective date of policies.
Sec. 6. Enforcement.
Sec. 7. Multiperil coverage for flood and windstorm.
Sec. 8. Maximum coverage limits.
Sec. 9. Coverage for additional living expenses, basement improvements, business interruption, and replacement cost of contents.
Sec. 10. Notification to tenants of availability of contents insurance.
Sec. 11. Increase in annual limitation on premium increases.
Sec. 12. Report regarding borrowing authority.
Sec. 13. FEMA participation in State disaster claims mediation programs.
Sec. 14. FEMA annual report on insurance program.
Sec. 15. Flood insurance outreach.
Sec. 16. Grants for direct funding of mitigation activities for individual repetitive claims properties.
Sec. 17. Extension of pilot program for mitigation of severe repetitive loss properties.
Sec. 18. Flood mitigation assistance program.
Sec. 19. GAO study of methods to increase flood insurance program participation by low-income families.
Sec. 20. Notice of availability of flood insurance and escrow in RESPA good faith estimate.
Sec. 21. Reiteration of FEMA responsibilities under 2004 Reform Act.
Sec. 22. Ongoing modernization of flood maps and elevation standards.
Sec. 23. Notification and appeal of map changes; notification of establishment of flood elevations.
Sec. 24. Clarification of replacement cost provisions, forms, and policy language.
Sec. 25. Authorization of additional FEMA staff.
Sec. 26. Extension of deadline for filing proof of loss.
Sec. 27. 5-year extension of program.
Sec. 28. Report on inclusion of building codes in floodplain management criteria.
Sec. 29. Study of economic effects of charging actuarially-based premium rates for pre-firm structures.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) flooding has been shown to occur in all 50 States, the District of Columbia, and in all territories and possessions of the United States;

(2) the national flood insurance program (NFIP) is the only affordable and reliable source of insurance to protect against flood losses;

(3) the aggregate amount of the flood insurance claims resulting from Hurricane Katrina, Hurricane Rita, and other events has exceeded the aggregate amount of all claims previously paid in the history of the national flood insurance program, requiring a significant increase in the program's borrowing authority;

(4) flood insurance policyholders have a legitimate expectation that they will receive fair and timely compensation for losses covered under their policies;

(5) substantial flooding has occurred, and will likely occur again, outside the areas designated by the Federal Emergency Management Agency (FEMA) as high-risk flood hazard areas;

(6) properties located in low- to moderate-risk areas are eligible to purchase flood insurance policies with premiums as low as $112 a year;

(7) about 450,000 vacation homes, second homes, and commercial properties are subsidized and are not paying actuarially sound rates for flood insurance;

(8) phasing out subsidies currently extended to vacation homes, second homes, and commercial properties would result in estimated average annual savings to the taxpayers of the United States and the national flood insurance program of $335,000,000;

(9) the maximum coverage limits for flood insurance policies should be increased to reflect inflation and the increased cost of housing;

(10) significant reforms to the national flood insurance program required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 have yet to be implemented; and

(11) in addition to reforms required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, the national flood insurance program requires a modernized and updated administrative model to ensure that the program is solvent and the people of the United States have continued access to flood insurance.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the integrity of the national flood insurance program by fully funding existing legal obligations expected by existing policyholders who have paid policy premiums in return for flood insurance coverage and to pay debt service on funds borrowed by the NFIP;

(2) to increase incentives for homeowners and communities to participate in the national flood insurance program and to improve oversight to ensure better accountability of the NFIP and FEMA;

(3) to increase awareness of homeowners of flood risks and improve the quality of information regarding such risks provided to homeowners; and

(4) to provide for the national flood insurance program to make available optional multiperil insurance coverage against loss resulting from physical damage to or loss of real or personal property arising from any flood or windstorm.

SEC. 3. STUDY REGARDING STATUS OF PRE-FIRM PROPERTIES AND MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN AND NON-FEDERALLY RELATED LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study as follows:

(1) PRE-FIRM PROPERTIES.—The study shall determine the status of the national flood insurance program, as of the date of the enactment of

this Act, with respect to the provision of flood insurance coverage for pre-FIRM properties (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), which shall include determinations of—

(A) the number of pre-FIRM properties for which coverage is provided and the extent of such coverage;

(B) the cost of providing coverage for such pre-FIRM properties to the national flood insurance program;

(C) the anticipated rate at which such pre-FIRM properties will cease to be covered under the program; and

(D) the effects that implementation of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 will have on the national flood insurance program generally and on coverage of pre-FIRM properties under the program.

(2) MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN.—The study shall assess the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system, and shall determine—

(A) the regulatory, financial and economic impacts of extending such mandatory purchase requirements on the costs of homeownership, the actuarial soundness of the national flood insurance program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the national flood insurance program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

(3) MANDATORY PURCHASE REQUIREMENT FOR NON-FEDERALLY RELATED LOANS.—The study shall assess the impact, effectiveness, and feasibility of, and basis under the Constitution of the United States for, amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to any property that is located in any area having special flood hazards and which secures the repayment of a loan that is not described in paragraph (1), (2), or (3) of section 102(b) of such Act, and shall determine how best to administer and enforce such a requirement, taking into consideration other insurance purchase requirements under Federal and State law.

(b) REPORT.—The Comptroller General shall submit a report to the Congress regarding the results and conclusions of the study under this subsection not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. PHASE-IN OF ACTUARIAL RATES FOR NON-RESIDENTIAL PROPERTIES AND NON-PRIMARY RESIDENCES.

(a) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) NONRESIDENTIAL PROPERTIES.—Any nonresidential property, which term shall not include any multifamily rental property that consists of four or more dwelling units.

''(3) NON-PRIMARY RESIDENCES.—Any residential property that is not the primary residence of any individual, including the owner of the property or any other individual who resides in the property as a tenant.''.

(b) TECHNICAL AMENDMENTS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''the limitations provided under paragraphs (1) and (2)'' and inserting ''subsection (e)''; and

(B) in paragraph (1), by striking '', except'' and all that follows through ''subsection (e)''; and

(2) in subsection (e), by striking ''paragraph (2) or (3)'' and inserting ''paragraph (4)''.

(c) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning on January 1, 2011, except as provided in paragraph (2) of this subsection.

(2) TRANSITION FOR PROPERTIES COVERED BY FLOOD INSURANCE UPON EFFECTIVE DATE.—

(A) INCREASE OF RATES OVER TIME.—In the case of any property described in paragraph (2) or (3) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by subsection (a) of this section, that, as of the effective date under paragraph (1) of this subsection, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) for the area in which the property is located, the Director of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1).

(B) ANNUAL INCREASE.—Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property), once during the 12-month period that begins upon the effective date under paragraph (1) of this subsection and once every 12 months thereafter until such increase is accomplished, by 15 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate or to comply with subparagraph (C)). Any increase in chargeable premium rates for a property pursuant to this paragraph shall not be considered for purposes of the limitation under section 1308(e) of such Act.

(C) PROPERTIES SUBJECT TO PHASE-IN AND ANNUAL INCREASES.—In the case of any pre-FIRM property (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1974), the aggregate increase, during any 12-month period, in the chargeable premium rate for the property that is attributable to this paragraph or to an increase described in section 1308(e) of the National Flood Insurance Act of 1968 may not exceed the following percentage:

(i) NONRESIDENTIAL PROPERTIES.—In the case of any property described in such section 1308(c)(2), 20 percent.

(ii) NON-PRIMARY RESIDENCES.—In the case of any property described in such section 1308(c)(3), 25 percent.

(D) FULL ACTUARIAL RATES.—The provisions of paragraphs (2) and (3) of such section 1308(c) shall apply to such a property upon the accomplishment of the increase under this paragraph and thereafter.

SEC. 5. EXCEPTION TO WAITING PERIOD FOR EFFECTIVE DATE OF POLICIES.

Section 1306(c)(2)(A) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)(A)) is amended by inserting before the semicolon the following: ''or is in connection with the purchase or other transfer of the property for which the coverage is provided (regardless of whether a loan is involved in the purchase or transfer transaction), but only when such initial purchase of coverage is made not later 30 days after such making, increasing, extension, or renewal of the loan or not later than 30 days after such purchase or other transfer of the property, as applicable''.

SEC. 6. ENFORCEMENT.

Section 102(f) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)) is amended—

(1) in paragraph (5)—

(A) in the first sentence, by striking ''$350'' and inserting ''$2,000''; and

(B) in the last sentence, by striking ''$100,000'' and inserting ''$1,000,000; except that such limitation shall not apply to a regulated lending institution or enterprise for a calendar year if, in any three (or more) of the five calendar years immediately preceding such calendar year, the total amount of penalties assessed under this subsection against such lending institution or enterprise was $1,000,000''; and

(2) in paragraph (6), by adding after the period at the end the following: ''No penalty may be imposed under this subsection on a regulated lending institution or enterprise that has made a good faith effort to comply with the requirements of the provisions referred to in paragraph (2) or for any non-material violation of such requirements.''.

SEC. 7. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

''(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate land use and control measures (with effective enforcement provisions) which the Director finds are consistent with the comprehensive criteria for land management and use relating to windstorms establish pursuant to section 1361(d)(2).

''(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

''(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

''(A) cover losses only from physical damage resulting from flooding or windstorm; and

''(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

''(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

''(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

''(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

''(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

''(C) the classification, limitation, and rejection of any risks which may be advisable;

''(D) appropriate minimum premiums;

''(E) appropriate loss deductibles; and

''(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

''(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

''(A) RESIDENTIAL STRUCTURES.—In the case of residential properties—

''(i) for any single-family dwelling, $500,000;

''(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure; and

''(iii) $150,000 per dwelling unit for—

''(I) any contents related to such unit; and

''(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

''(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure;

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) REQUIREMENT TO CEASE OFFERING COVERAGE IF BORROWING TO PAY CLAIMS.—If at any time the Director utilizes the borrowing authority under section 1309(a) for the purpose of obtaining amounts to pay claims under multiperil coverage made available under this subsection, the Director may not, during the period beginning upon the initial such use of such borrowing authority and ending upon repayment to the Secretary of the Treasury of the full amount of all outstanding notes and obligations issued by the Director for such purpose, together with all interest owed on such notes and obligations, enter into any new policy, or renew any existing policy, for coverage made available under this subsection.

''(9) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—The National Flood Insurance Act of 1968 is amended by inserting after section 1313 (42 U.S.C. 4020) the following new section:

''PROHIBITION AGAINST DUPLICATIVE COVERAGE

''SEC. 1314. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

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

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in windstorm-prone areas as to land management and use, windstorm zoning, and windstorm damage prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

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

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

SEC. 8. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4), by striking ''$500,000'' each place such term appears and inserting ''$670,000''.

SEC. 9. COVERAGE FOR ADDITIONAL LIVING EXPENSES, BASEMENT IMPROVEMENTS, BUSINESS INTERRUPTION, AND REPLACEMENT COST OF CONTENTS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5)—

(A) by inserting ''pursuant to paragraph (2), (3), or (4)'' after ''any flood insurance coverage''; and

(B) by striking the period at the end and inserting a semicolon; and

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

''(6) in the case of any residential property, each renewal or new contract for flood insurance coverage shall provide not less than $1,000 aggregate liability per dwelling unit for any necessary increases in living expenses incurred by the insured when losses from a flood make the residence unfit to live in, which coverage shall be available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(7) in the case of any residential property, optional coverage for additional living expenses described in paragraph (6) shall be made available to every insured upon renewal and every applicant in excess of the limits provided in paragraph (6) in such amounts and at such rates as the Director shall establish, except that such chargeable rates shall not be less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(8) in the case of any residential property, optional coverage for losses, resulting from floods, to improvements and personal property located in basements, crawl spaces, and other enclosed areas under buildings that are not covered by primary flood insurance coverage under this title, shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(9) in the case of any commercial property or other residential property, including multifamily rental property, optional coverage for losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from a flood shall be made available to every insured upon renewal and every applicant, except that—

''(A) for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood not occurred; and

''(B) such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

''(10) in the case of any residential property and any commercial property, optional coverage for the full replacement costs of any contents related to the structure that exceed the limits of coverage otherwise provided in this subsection shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1).''.

SEC. 10. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.

The National Flood Insurance Act of 1968 is amended by inserting after section 1308 (42 U.S.C. 4015) the following new section:

''SEC. 1308A. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.

''(a) IN GENERAL.—The Director shall, upon entering into a contract for flood insurance coverage under this title for any property located in an area having special flood hazards—

''(1) provide to the insured sufficient copies of the notice developed pursuant to subsection (b); and

''(2) strongly encourage the insured to provide a copy of the notice, or otherwise provide notification of the information under subsection (b) in the manner that the manager or landlord

deems most appropriate, to each such tenant and to each new tenant upon commencement of such a tenancy.

''(b) NOTICE.—Notice to a tenant of a property in accordance with this subsection is written notice that clearly informs a tenant—

''(1) that the property is located in an area having special flood hazards;

''(2) that flood insurance coverage is available under the national flood insurance program under this title for contents of the unit or structure leased by the tenant;

''(3) of the maximum amount of such coverage for contents available under this title at that time; and

''(4) of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and location on the World Wide Web of the Director where such information is available.''.

SEC. 11. INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking ''10 percent'' and inserting ''15 percent''.

SEC. 12. REPORT REGARDING BORROWING AUTHORITY.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying within 10 years all amounts, that, as of the expiration of such period, have been borrowed under the authority of section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) and not yet repaid as of such date.

SEC. 13. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

''SEC. 1325. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a natural catastrophe that may have resulted in flood damage covered by insurance made available under the national flood insurance program and a loss covered by personal lines residential property insurance policy, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause such representatives to participate in such State program, when claims under the national flood insurance program are involved, to expedite settlement of flood damage claims resulting from such catastrophe.

''(b) EXTENT OF PARTICIPATION.—Participation by representatives of the Director required under subsection (a) with respect to flood damage claims resulting from a natural catastrophe shall include—

''(1) providing adjusters certified for purposes of the national flood insurance program who are authorized to settle claims against such program resulting from such catastrophe in amounts up to the limits of policies under such program;

''(2) requiring such adjusters to attend State-sponsored mediation meetings regarding flood insurance claims resulting from such catastrophe at times and places as may be arranged by the State;

''(3) participating in good-faith negotiations toward the settlement of such claims with policyholders of coverage made available under the national flood insurance program; and

''(4) finalizing the settlement of such claims on behalf of the national flood insurance program with such policyholders.

''(c) COORDINATION.—Representatives of the Director who participate pursuant to this section in a State-sponsored mediation program with respect to a natural catastrophe shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purpose of consolidating and expediting the settlement of claims under the national flood insurance program resulting from such catastrophe at the earliest possible time.

''(d) MEDIATION PROCEEDINGS AND PRIVILEGED DOCUMENTS.—As a condition of the participation of Representatives of the Director pursuant to this section in State-sponsored mediation, all statements made and documents produced pursuant to such mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

''(e) EFFECT OF PARTICIPATION ON LIABILITY, RIGHT, AND OBLIGATIONS.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not affect or expand the liability of any party in contract or in tort, nor shall it affect the rights or obligations of the parties as provided in the Standard Flood Insurance Policy under the national flood insurance program, regulations of the Federal Emergency Management Agency, this Act, or Federal common law.

''(f) EXCLUSIVE FEDERAL JURISDICTION.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not alter, change or modify the original exclusive jurisdiction of United States courts as provided in this Act.

''(g) COST LIMITATION.—Nothing in this section shall be construed to require the Director or representatives of the Director to pay additional mediation fees relating to flood claims associated with a State-sponsored mediation program in which representatives of the Director participate.

''(h) EXCEPTION.—In the case of the occurrence of a natural catastrophe that results in flood damage claims under the national flood insurance program and does not result in any loss covered by a personal lines residential property insurance policy—

''(1) this section shall not apply; and

''(2) the provisions of the Standard Flood Insurance Policy under the national flood insurance program and the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section shall apply exclusively.

''(i) REPRESENTATIVES OF DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section.''.

SEC. 14. FEMA ANNUAL REPORT ON INSURANCE PROGRAM.

Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027) is amended—

(1) in the section heading, by striking ''REPORT TO THE PRESIDENT'' and inserting ''ANNUAL REPORT TO CONGRESS'';

(2) in subsection (a)—

(A) by striking ''biennially'';

(B) by striking ''the President for submission to''; and

(C) by inserting ''not later than June 30 of each year'' before the period at the end;

(3) in subsection (b), by striking ''biennial'' and inserting ''annual''; and

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

''(c) FINANCIAL STATUS OF PROGRAM.—The report under this section for each year shall include information regarding the financial status of the national flood insurance program under this title, including a description of the financial status of the National Flood Insurance Fund and current and projected levels of claims, premium receipts, expenses, and borrowing under the program.''.

SEC. 15. FLOOD INSURANCE OUTREACH.

(a) GRANTS.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

''SEC. 1326. GRANTS FOR OUTREACH TO PROPERTY OWNERS AND RENTERS.

''(a) IN GENERAL.—The Director may, to the extent amounts are made available pursuant to subsection (h), make grants to local governmental agencies responsible for floodplain management activities (including such agencies of Indians tribes, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) in communities that participate in the national flood insurance program under this title, for use by such agencies to carry out outreach activities to encourage and facilitate the purchase of flood insurance protection under this Act by owners and renters of properties in such communities and to promote educational activities that increase awareness of flood risk reduction.

''(b) OUTREACH ACTIVITIES.—Amounts from a grant under this section shall be used only for activities designed to—

''(1) identify owners and renters of properties in communities that participate in the national flood insurance program, including owners of residential and commercial properties;

''(2) notify such owners and renters when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

''(3) educate such owners and renters regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

''(4) educate such owners and renters regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under this title for such properties and the contents of such properties; and

''(5) encouraging such owners and renters to maintain or acquire such coverage.

''(c) COST SHARING REQUIREMENT.—

''(1) IN GENERAL.—In any fiscal year, the Director may not provide a grant under this section to a local governmental agency in an amount exceeding 3 times the amount that the agency certifies, as the Director shall require, that the agency will contribute from non-Federal funds to be used with grant amounts only for carrying out activities described in subsection (b).

''(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local government agency amounts, in-kind contributions, any salary paid to staff to carry out the eligible activities of the grant recipient, the value of the time and services contributed by volunteers to carry out such services (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

''(d) ADMINISTRATIVE COST LIMITATION.—Notwithstanding subsection (b), the Director may use not more than 5 percent of amounts made available under subsection (g) to cover salaries, expenses, and other administrative costs incurred by the Director in making grants and provide assistance under this section.

''(e) APPLICATION AND SELECTION.—

''(1) IN GENERAL.—The Director shall provide for local governmental agencies described in subsection (a) to submit applications for grants under this section and for competitive selection, based on criteria established by the Director, of agencies submitting such applications to receive such grants.

''(2) SELECTION CONSIDERATIONS.—In selecting applications of local government agencies to receive grants under paragraph (1), the Director shall consider—

''(A) the existence of a cooperative technical partner agreement between the local governmental agency and the Federal Emergency Management Agency;

''(B) the history of flood losses in the relevant area that have occurred to properties, both inside and outside the special flood hazards zones, which are not covered by flood insurance coverage;

''(C) the estimated percentage of high-risk properties located in the relevant area that are not covered by flood insurance;

''(D) demonstrated success of the local governmental agency in generating voluntary purchase of flood insurance; and

''(E) demonstrated technical capacity of the local governmental agency for outreach to individual property owners.

''(f) DIRECT OUTREACH BY FEMA.—In each fiscal year that amounts for grants are made available pursuant to subsection (h), the Director may use not more than 50 percent of such amounts to carry out, and to enter into contracts with other entities to carry out, activities described in subsection (b) in areas that the Director determines have the most immediate need for such activities.

''(g) REPORTING.—Each local government agency that receives a grant under this section, and each entity that receives amounts pursuant to subsection (f), shall submit a report to the Director, not later than 12 months after such amounts are first received, which shall include such information as the Director considers appropriate to describe the activities conducted using such amounts and the effect of such activities on the retention or acquisition of flood insurance coverage.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section $50,000,000 for each of fiscal years 2008 through 2012.''.

(b) REPORT ON CURRENT EFFORTS.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress identifying and describing the marketing and outreach efforts then currently being undertaken to educate consumers regarding the benefits of obtaining coverage under the national flood insurance program.

SEC. 16. GRANTS FOR DIRECT FUNDING OF MITIGATION ACTIVITIES FOR INDIVIDUAL REPETITIVE CLAIMS PROPERTIES.

(a) DIRECT GRANTS TO OWNERS.—Section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030) is amended—

(1) in the section heading, by inserting ''**DIRECT**'' before ''**GRANTS**''; and

(2) in the matter in subsection (a) that precedes paragraph (1)—

(A) by inserting '', to owners of such properties,'' before ''for mitigation actions''; and

(B) by striking ''1'' and inserting ''two''.

(b) AVAILABILITY OF FUNDS.—Paragraph (9) of section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by inserting ''which shall remain available until expended,'' after ''any fiscal year,''.

SEC. 17. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1), by striking ''2005, 2006, 2007, 2008, and 2009'' and inserting ''2008, 2009, 2010, 2011, and 2012''; and

(2) by striking subsection (l).

SEC. 18. FLOOD MITIGATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY OF PROPERTY DEMOLITION AND REBUILDING.—Section 1366(e)(5)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)(B)) is amended by striking ''or floodproofing'' and inserting ''floodproofing, or demolition and rebuilding''.

(b) ELIMINATION OF LIMITATIONS ON AGGREGATE AMOUNT OF ASSISTANCE.—Section 1366 of the National Flood Insurance Act of 1968 is amended by striking subsection (f).

(c) SOURCE OF FUNDS.—Subsection (a) of section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d(a)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

(d) TECHNICAL AMENDMENTS.—Section 1366 of the National Flood Insurance Act of 1968 is amended—

(1) by striking ''subsection (g)'' each place such term appears in subsections (h) and (i)(2) and inserting ''subsection (f)'';

(2) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively; and

(3) by redesignating subsection (m) as subsection (k).

SEC. 19. GAO STUDY OF METHODS TO INCREASE FLOOD INSURANCE PROGRAM PARTICIPATION BY LOW-INCOME FAMILIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify and analyze potential methods, practices, and incentives that would increase the extent to which low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) that own residential properties located within areas having special flood hazards purchase flood insurance coverage for such properties under the national flood insurance program. In conducting the study, the Comptroller General shall analyze the effectiveness and costs of the various methods, practices, and incentives identified, including their effects on the national flood insurance program.

(b) REPORT.—The Comptroller General shall submit to the Congress a report setting forth the conclusions of the study under this section not later than 12 months after the date of the enactment of this Act.

SEC. 20. NOTICE OF AVAILABILITY OF FLOOD INSURANCE AND ESCROW IN RESPA GOOD FAITH ESTIMATE.

Subsection (c) of section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is amended by adding at the end the following new sentence: ''Each such good faith estimate shall include the following conspicuous statements and information: (1) that flood insurance coverage for residential real estate is generally available under the national flood insurance program whether or not the real estate is located in an area having special flood hazards and that, to obtain such coverage, a home owner or purchaser should contact the national flood insurance program; (2) a telephone number and a location on the World Wide Web by which a home owner or purchaser can contact the national flood insurance program; and (3) that the escrowing of flood insurance payments is required for many loans under section 102(d) of the Flood Disaster Protection Act of 1973, and may be a convenient and available option with respect to other loans.''.

SEC. 21. REITERATION OF FEMA RESPONSIBILITIES UNDER 2004 REFORM ACT.

(a) APPEALS PROCESS.—As directed in section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note), the Director of the Federal Emergency Management Agency is again directed to, not later than 90 days after the date of the enactment of this Act, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy as required by such section.

(b) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director of the Federal Emergency Management Agency is directed to continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies that were established by the Director under the notice published September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264) and identifying each regulation, order, notice, and other material issued by the Director in implementing each such provision.

SEC. 22. ONGOING MODERNIZATION OF FLOOD MAPS AND ELEVATION STANDARDS.

(a) ONGOING FLOOD MAPPING PROGRAM.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

''(k) ONGOING PROGRAM TO REVIEW, UPDATE, AND MAINTAIN FLOOD INSURANCE PROGRAM MAPS.—

''(1) IN GENERAL.—The Director, in coordination with the Technical Mapping Advisory Council established pursuant to section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) and section 22(b) of the Flood Insurance Reform and Modernization Act of 2007, shall establish an ongoing program under which the Director shall review, update, and maintain national flood insurance program rate maps in accordance with this subsection.

''(2) INCLUSIONS.—

''(A) COVERED AREAS.—Each map updated under this subsection shall include a depiction of—

''(i) the 500-year floodplain;

''(ii) areas that could be inundated as a result of the failure of a levee, as determined by the Director; and

''(iii) areas that could be inundated as a result of the failure of a dam, as identified under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

''(B) OTHER INCLUSIONS.—In updating maps under this subsection, the Director may include—

''(i) any relevant information on coastal inundation from—

''(I) an applicable inundation map of the Corps of Engineers; and

''(II) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

''(ii) any relevant information of the Geographical Service on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director; and

''(iii) a description of any hazard that might impact flooding, including, as determined by the Director—

''(I) land subsidence and coastal erosion areas;

''(II) sediment flow areas;

''(III) mud flow areas;

''(IV) ice jam areas; and

''(V) areas on coasts and inland that are subject to the failure of structural protective works, such as levees, dams, and floodwalls.

''(3) STANDARDS.—In updating and maintaining maps under this subsection, the Director shall establish standards to—

''(A) ensure that maps are adequate for—

''(i) flood risk determinations; and

''(ii) use by State and local governments in managing development to reduce the risk of flooding;

''(B) facilitate the Director, in conjunction with State and local governments, to identify and use consistent methods of data collection and analysis in developing maps for communities with similar flood risks, as determined by the Director; and

''(C) ensure that emerging weather forecasting technology is used, where practicable, in flood map evaluations and the identification of potential risk areas.

''(4) HURRICANES KATRINA AND RITA MAPPING PRIORITY.—In updating and maintaining maps under this subsection, the Director shall—

''(A) give priority to the updating and maintenance of maps of coastal areas affected by Hurricane Katrina or Hurricane Rita to provide guidance with respect to hurricane recovery efforts; and

''(B) use the process of updating and maintaining maps under subparagraph (A) as a model for updating and maintaining other maps.

''(5) PREVENTING DELAY OF 100-YEAR MAPS.—In carrying out this section and this subsection, the Director shall take such actions as may be necessary to ensure that updating and publication of national flood insurance program rate maps to include a depiction of the 500-year floodplain does not in any manner delay the completion or publication of the program rate maps for the 100-year floodplain.

''(6) EDUCATION PROGRAM.—The Director shall, after each update to a flood insurance program rate map, in consultation with the chief executive officer of each community affected by the update, conduct a program to educate each such community about the update to the flood insurance program rate map and the effects of the update.

''(7) ANNUAL REPORT.—Not later than June 30 of each year, the Director shall submit a report to the Congress describing, for the preceding 12-month period, the activities of the Director under the program under this section and the reviews and updates of flood insurance program rate maps conducted under the program. Each such annual report shall contain the most recent report of the Technical Mapping Advisory Council pursuant to section 576(c)(3) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this subsection $400,000,000 for each of fiscal years 2008 through 2013.''.

(b) REESTABLISHMENT OF TECHNICAL MAPPING ADVISORY COUNCIL FOR ONGOING MAPPING PROGRAM.—

(1) REESTABLISHMENT.—There is reestablished the Technical Mapping Advisory Council, in accordance with this subsection and section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

(2) MEMBERSHIP.—Paragraph (1) of section 576(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended—

(A) in the matter preceding subparagraph (A), by striking ''10'' and inserting ''14'';

(B) by redesignating subparagraphs (E), (F), (G), (H), (I), and (J) as subparagraphs (F), (G), (H), (K), (N), and (O), respectively;

(C) by inserting after subparagraph (D) the following new subparagraph:

''(E) a representative of the Corps of Engineers of the United States Army;'';

(D) by inserting after subparagraph (H) (as so redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

''(I) a representative of local or regional flood and stormwater agencies;

''(J) a representative of State geographic information coordinators;''; and

(E) by inserting after subparagraph (K) (as so redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

''(L) a representative of flood insurance servicing companies;

''(M) a real estate professional;''.

(3) TERMS OF MEMBERS AND APPOINTMENT.—Section 576(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended by adding at the end the following new paragraph:

''(3) TERMS OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Council pursuant to any of subparagraphs (B) through (N) of paragraph (1) shall be appointed for a term of 5 years, except as provided in subparagraphs (B) and (C).

''(B) TERMS OF INITIAL APPOINTEES.—As designated by the Director (or the designee of the Director) at the time of appointment, of the members of the Council first appointed pursuant to subparagraph (D)—

''(i) 4 shall be appointed for a term of 1 year;

''(ii) 4 shall be appointed for a term of 3 years; and

''(iii) 5 shall be appointed for a term of 5 years.

''(C) VACANCIES.—Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

''(D) INITIAL APPOINTMENT.—The Director, or the Director's designee, shall take action as soon as possible after the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007 to appoint the members of the Council pursuant to this subsection.''.

(4) DUTIES.—Subsection (c) of section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended to read as follows:

''(c) DUTIES.—The Council shall—

''(1) make recommendations to the Director for improvements to the flood map modernization program under section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 41010(k));

''(2) make recommendations to the Director for maintaining a modernized inventory of flood hazard maps and information; and

''(3) submit an annual report to the Director that contains a description of the activities and recommendations of the Council.''.

(5) ELIMINATION OF TERMINATION.—Section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended by striking subsection (k) and inserting the following new subsection:

''(k) CONTINUED EXISTENCE.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to termination of advisory committees) shall not apply to the Council.''.

(c) POST-DISASTER FLOOD ELEVATION DETERMINATIONS.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(l) INTERIM POST-DISASTER FLOOD ELEVATIONS.—

''(1) AUTHORITY.—Notwithstanding any other provision of this section or section 1363, the Director may, after any flood-related disaster, establish by order interim flood elevation requirements for purposes of the national flood insurance program for any areas affected by such flood-related disaster.

''(2) EFFECTIVENESS.—Such interim elevation requirements for such an area shall take effect immediately upon issuance and may remain in effect until the Director establishes new flood elevations for such area in accordance with section 1363 or the Director provides otherwise.''.

(d) UPDATING UPON REQUEST OF COMMUNITY.—Paragraph (2) of section 1360(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by inserting before the period at the end the following: '', except that such a revision or update shall be made at no cost to the unit of government making the request if the request is being made to reflect repairs and upgrades to dams, levees, or other flood control projects under the jurisdiction and responsibility of the Federal Government''.

SEC. 23. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

''SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

''(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

''(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations; and

''(3) by publishing in a prominent local newspaper the elevations, a description of the appeals process for flood determinations, and the mailing address and telephone number of a person the owner may contact for more information or to initiate an appeal.''.

SEC. 24. CLARIFICATION OF REPLACEMENT COST PROVISIONS, FORMS, AND POLICY LANGUAGE.

Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) in plain language using easy to understand terms and concepts, issue regulations, and revise any materials made available by such Agency, to clarify the applicability of replacement cost coverage under the national flood insurance program;

(2) in plain language using easy to understand terms and concepts, revise any regulations, forms, notices, guidance, and publications relating to the full cost of repair or replacement under the replacement cost coverage to more clearly describe such coverage to flood insurance policyholders and information to be provided by such policyholders relating to such coverage, and to avoid providing misleading information to such policyholders;

(3) revise the language in standard flood insurance policies under such program regarding rating and coverage descriptions in a manner that is consistent with language used widely in other homeowners and property and casualty insurance policies, including such language regarding classification of buildings, basements, crawl spaces, detached garages, enclosures below elevated buildings, and replacement costs; and

(4) require the use, in connection with flood insurance policies, of the supplemental forms developed pursuant to section 202 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 725).

SEC. 25. AUTHORIZATION OF ADDITIONAL FEMA STAFF.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency may employ such additional staff as may be necessary to carry out all of the responsibilities of the Director pursuant to this Act and the amendments made by this Act. There are authorized to be appropriated to Director such sums as may be necessary for costs of employing such additional staff.

SEC. 26. EXTENSION OF DEADLINE FOR FILING PROOF OF LOSS.

(a) IN GENERAL.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by inserting ''(a) PAYMENT.—'' before ''The Director''; and

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

''(b) FILING DEADLINE FOR PROOF OF LOSS.—

''(1) IN GENERAL.—In establishing any requirements regarding notification, proof, or approval of claims for damage to or loss of property which is covered by flood insurance made available under this title, the Director may not require an insured to notify the Director of such damage or loss, submit a claim for such damage or loss, or certify to or submit proof of such damage or loss, before the expiration of the 180-day period that begins on the date that such damage or loss occurred.

''(2) EXCEPTIONS.—Notwithstanding any deadline established in accordance with paragraph (1), the Director may not deny a claim for damage or loss described in such paragraph solely for failure to meet such deadline if the insured demonstrates any good cause for such failure.''.

(b) APPLICABILITY.—Subsection (b) of section 1312 of the National Flood Insurance Act of 1968, as added by subsection (a)(2) of this section, shall apply with respect to any claim under which the damage to or loss of property occurred on or after the date of the enactment of this Act.

SEC. 27. 5-YEAR EXTENSION OF PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 28. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

SEC. 29. STUDY OF ECONOMIC EFFECTS OF CHARGING ACTUARIALLY-BASED PREMIUM RATES FOR PRE-FIRM STRUCTURES.

(a) STUDY.—The Director of the Federal Emergency Management Agency (in this section referred to as the ''Director'') shall conduct a study of the economic effects that would result from increasing premium rates for flood insurance coverage made available under the national flood insurance program for non-primary residences and non-residential pre-FIRM structures (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note) to the full actuarial risk based premium rate determined under section 1307(a)(1) of the National Flood Insurance Act of 1968 for the area in which the property is located. In conducting the study, the Director shall—

(1) determine each area that would be subject to such increased premium rates; and

(2) for each such area, determine—

(A) the amount by which premium rates would be increased;

(B) the number and types of properties affected and the number and types of properties covered by flood insurance under this title likely to cancel such insurance if the rate increases were made;

(C) the effects that the increased premium rates would have on land values and property taxes; and

(D) any other effects that the increased premium rates would have on the economy, homeowners, and renters of non-primary residences.

(b) REPORT.—The Director shall submit a report to the Congress describing and explaining the findings of the study conducted under this section. The report shall be submitted not later than 12 months after the date of the enactment of this Act.

The CHAIRMAN. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be read considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–351.

Mr. FRANK of Massachusetts. 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. FRANK of Massachusetts:

In the matter proposed to be inserted by section 7(a)(2) of the bill, amend paragraph (2) of subsection (c) to read as follows:

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.''.

In the matter proposed to be inserted by section 7(d) of the bill, in paragraph (1) of subsection (d) strike ''windstorm-prone areas as to land management and use, windstorm zoning, and windstorm damage prevention'' and inserting ''wind events as to wind hazard prevention''.

In the matter proposed to be inserted by the amendment made by section 22(a) of the bill, in subsection (k), redesignate paragraphs (4) through (8) as paragraphs (5) through (9), respectively.

In the matter proposed to be inserted by the amendment made by section 22(a) of the bill, after subsection (k)(3) insert the following new paragraph:

''(4) MAPPING ELEMENTS.—Each map updated under this section shall meet the following requirements:

''(A) GROUND ELEVATION DATA.—The maps shall assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

''(B) DATA ON A WATERSHED BASIS.—The maps shall develop national flood insurance program flood data on a watershed basis—

''(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

''(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

''(C) OTHER DATA.—The maps shall include any other relevant information as may be recommended by the Technical Mapping Advisory Council reestablished by section 22(b) of the Flood Insurance Reform and Modernization Act of 2007.''.

In section 22(b)(2)(A), strike ''14'' and insert ''15''.

In section 22(b)(2)(B), strike ''(N), and (O)'' and insert ''(O), and (P)''.

In the matter proposed to be inserted by the amendment made by section 22(b)(2)(E) of the bill, after subparagraph (M) insert the following new subparagraph:

''(N) a member of a professional mapping association or organization;''.

At the end of the bill add the following new sections:

SEC. 30. PROHIBITION ON ENFORCEMENT OF PENALTY ASSESSED ON CONDOMINIUM ASSOCIATIONS.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency shall not apply or enforce any penalty relating to the national flood insurance program assessed, during 2005 or thereafter, on condominium associations that are underinsured under such program.

SEC. 31. REPORT OF ADMINISTRATIVE EXPENSES OF WRITE-YOUR-OWN INSURERS; INDEPENDENT AUDITS.

Section 1348 of the National Flood Insurance Act of 1968 (42 U.S.C. 4084) is amended by adding at the end the following new subsections:

''(c) Any insurance company or other private organization executing any contract, agreement, or other appropriate arrangement with the Director under this part shall—

''(1) annually submit to the Director a record of all administrative and operating costs of the program undertaken; and

''(2) biennially submit to the Director an independent audit of the program undertaken that is conducted by a certified public accountant to ensure that payments made are proper and in accordance with this Act.

''(d) The Director shall review the records and audits submitted under paragraphs (1)

and (2) of subsection (c) to determine if such payments are reasonable and if the system by which the Director makes payments to an insurance company or other private organization under this part should be revised.

"SEC. 32. PLAN TO VERIFY MAINTENANCE OF FLOOD INSURANCE ON MISSISSIPPI AND LOUISIANA PROPERTIES RECEIVING EMERGENCY SUPPLEMENTAL FUNDS.

''The Director of the Federal Emergency Management Agency shall develop and implement a plan to verify that persons receiving funds under the Homeowner Grant Assistance Program of the State of Mississippi or the Road Home Program of the State of Louisiana from amounts allocated to the State of Mississippi or the State of Louisiana, respectively, from the Community development fund under the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148) are maintaining flood insurance on the property for which such persons receive such funds as required by each such Program.''.

The CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1400

Mr. FRANK of Massachusetts. Mr. Chairman, this is an amendment unanimously supported, I believe, certainly strongly supported by both majority and minority committee leadership and staffs. It incorporates a number of other amendments, and I am pleased to be able to say that at least here we were able to get some bipartisanship, because one of the amendments of the gentleman from Ohio (Mr. LATOURETTE), it improves the program in terms of mapping and other technical ways, and I believe that there is general agreement that this improves it.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I would like to thank the chairman for working with the manager's amendment with Members of our side. I appreciate his efforts as always.

I yield 2 minutes in particular to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I thank the gentlelady for yielding, and I rise today to support the manager's amendment and to offer my thanks to the chairman of the full committee, Chairman FRANK.

About a year ago in Ohio we had a 500-year event, and a lot of places that had never flooded, flooded. And what we found was that the current structure of the National Flood Insurance Program indicates that if the primary insurance, if there is a finding that it is underinsured, there is a penalty that attaches to it. It further goes on to say that if the penalty attaches and you don't pay out the limits on the first policy, you can't reach the secondary insurance.

We had people in our hometown that basically did what they were supposed to do; they bought the secondary insurance, they were fully insured. The condominium owners association, however, was underinsured, and therefore we didn't reach the policies.

The chairman joined with me in August in writing to FEMA to see if we could administratively reach some resolution. Sadly, we were unable to do that, and my thanks to Chairman FRANK for including in his manager's amendment today something that not only reaches my constituents, because apparently that would be some kind of illegal earmark, but it reaches all people in the country that find themselves so afflicted. So my thanks to the chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman is welcome. I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, of all the irresponsible, bad ideas cooked up by the liberal leadership of the House, this has to be the blue ribbon boondoggle champion of bad ideas. This exposes the U.S. Treasury and the American taxpayers to a potential liability of up to $19 trillion of property from Maine to the Gulf Coast States. The flood insurance program is already, as we have heard, about, I believe, $20 billion in debt already, the flood insurance is already underfunded, and yet we are going through this legislation, if it passes, expose the American taxpayers to untold billion dollars worth of liability every year. And this is a public-private partnership. As my friend RANDY NEUGEBAUER of Texas pointed out, the insurance companies on the private sector's part are going to collect the premiums and the American taxpayers are going to pay the bill.

This is, I believe, one of the most dangerous and fiscally irresponsible pieces of legislation ever brought to the floor of the House probably in history, and certainly sets a blue ribbon record for the liberal leadership of this House.

We need to all remember as guardians of the Treasury that the American taxpayers are already facing individually, according to the Government Accountability Office, every living American would have to buy $170,000 worth of Treasury bills today just to pay off the existing liabilities of the Federal Government, both direct and indirect. And it is unconscionable, it is absolutely intolerable that this Congress, this liberal leadership of this House would attempt to pass on to my daughter and our kids a potential liability reaching $19 trillion. It is unacceptable, it is outrageous, and I hope this House will soundly defeat this utterly irresponsible piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, it might be superfluous, but I would want to point out that the speech we just heard has no bearing whatsoever to the amendment that is pending.

Mr. CULBERSON. It is on the bill.

Mr. FRANK of Massachusetts. The gentleman, I hope, would wait to be recognized. But in case anybody is trying to follow the debate and the rules, I would want to point out that we are debating a manager's amendment. And while the gentleman didn't know, what he was so expansively saying is, of course, unrelated to this particular amendment.

Mrs. CAPITO. I yield my remaining time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for yielding and I thank my friend from Massachusetts for generously yielding time, and I want to speak about the manager's amendment. Now that I have done that, I want to talk about Public Law 15.

Public Law 15, or the McCarran-Ferguson Act, says that the States will be in charge of insurance, not the Federal Government.

Therefore, when a company comes into a State or tries to leave a State, the State insurance commissioner actually has the opportunity to twist an arm and say, if you are going to come into my State, you have to write a certain amount of coastal property, a certain mix of teenage drivers, a certain mix of elderly people for health care or whatever. State insurance commissioners by Public Law 15, the McCarran-Ferguson Act, are very powerful in the insurance business.

So I want to say that is where my philosophy comes from is that I do strongly believe that the States can twist arms and get a lot more done.

But I just want to say that Federal flood fund insurance companies did not start until 1968; yet, we have historic properties all over the coast of America because the private sector was there. And, again, having sold flood insurance through a private insurance company, I know that it is possible. And I don't know if the gentleman needs some time. I will be happy to yield, because it is your amendment.

Mr. FRANK of Massachusetts. First of all, I agree. I thought he was talking about the Federal Government when he said ''we.'' And he is right, States have some power; the Federal Government does not. But even there, I believe he overstates the States' powers. And in fact, particularly in the Graham-Leach-Bliley bill, we gave some insurance companies the power to leave States, which we shouldn't have done. But States can be required, if they are going to do something, to do other things. But they can leave altogether, and the State insurance commissioners generally don't have the power to do that.

Mr. KINGSTON. Reclaiming the time. I do believe that you have set a great message, and Mr. TAYLOR is a tireless advocate for coastal property. But at the same time, I do think that the McCarran-Ferguson Act gives the State insurance commissioners a pretty big hammer here which they ought to be using on the head of certain insurance company executives.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–351.

Mr. CARDOZA. 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. CARDOZA:

At the end of section 22 of the bill, add the following new subsection:

(e) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (c), by inserting ''and subsection (g)'' before the first comma; and

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

''(g) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected by a flood protection system and that, pursuant to remapping under section 1360(k), becomes designated as such an area as a result of the decertification of such flood protection system, during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any property that is located within such area shall be equal to 50 percent of the chargeable risk premium rate otherwise applicable under this title to the property.''.

The CHAIRMAN. Pursuant to House Resolution 683, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself 3½ minutes.

I rise today in strong support of this amendment to H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007. I thank the chairman of the committee, Mr. FRANK, for his leadership on this issue. I would also be remiss if I did not mention that Congressman HINOJOSA was very instrumental in helping me bring this amendment to the floor today, and his name was left off the list of coauthors although he was certainly instrumental, as well as Mrs. LOIS CAPPS, our colleague from California who has a problem in the Santa Maria area and is also a supporter of this bill.

I fully understand, Mr. Chairman, and appreciate the need to reform and modernize the National Flood Insurance Program. As we all know, the recent devastating hurricanes, Katrina, Rita and Wilma, not only ruined thousands of people's lives, but displaced tens of thousands of people and laid waste to millions of homes, causing billions of dollars in property damage, and they were exposed to the fragility of the National Flood Insurance Program. Mr. TAYLOR will speak later to that problem.

At the same time, FEMA began a remapping of flood plains across the country. And while I agree that people should know whether they live in a protected area or not, FEMA's process has been terribly flawed from the beginning, and my constituents stand to suffer as a result.

As we make the necessary reforms to the system, we must be cognizant of the impact this legislation could have on unsuspecting residents. FEMA's current plans to update the floodplain maps will force many people in my district and across the country to have to purchase flood insurance who are currently not required to purchase it. To add insult to injury, many of these people are low-income earners, and have no idea that this expense is looming.

I commend the bill for recognizing this problem and taking some steps to address it; however, we must do more to help low-income people who will be affected. Our amendment addresses these concerns and blunts the impact the remapping process will have on low-income residents.

This amendment says that people forced to purchase flood insurance as a result of a new map who live in an area that was previously certified and now have been decertified under the new FEMA process will have a grace period of 5 years in which they will be entitled to a 50 percent reduction in their flood insurance premium. The goal is that, during those 5 years, necessary upgrades will be made to the levees to bring them into compliance, thereby eliminating the mandatory requirement to purchase flood insurance.

This amendment will have a huge impact on my district and many other parts of the country as well. It is simply unfair to, while requiring communities to upgrade their levees, also require them to purchase flood insurance at the same time. Many of these people are still paying on the levees that had initially protected them in the first place.

By giving those who most need assistance a grace period, we are acknowledging the plight of these communities and taking action. This is the right thing to do. Moreover, given the volatile housing markets, we need to do everything possible to ensure people on the precipice remain in their homes. In my district, we have nearly 20,000 people who are currently facing foreclosure due to the subprime loan problem. Saddling these same people with more expenses when they can least afford it is counterproductive and contrary to the shared goal of promoting ownership. Let's help these people bring some balance to the flood insurance program and FEMA's remapping process. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. CAPITO. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Ms. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I wanted to ask the author of the amendment and the author of the legislation, if they are here, if they could identify, please, for the Record, other than Social Security and Medicare, can you all identify any piece of legislation that has ever exposed the American taxpayer to greater potential liability than this bill before the House today? Can you all identify a bigger boondoggle than this one? And you can have some of my time. I will yield. Can anyone on that side identify a bigger boondoggle than this that will expose the taxpayers to greater liability?

Mr. CARDOZA. I would say there are several Republican boondoggles that we have seen in the last few years.

Mr. CULBERSON. Please name one.

Mr. CARDOZA. The drug program. The unheard of tax cuts that were not paid for. There have been several things that have exposed the American Treasury to boondoggles, and they have been authored by the gentleman's party.

Mr. CULBERSON. Tax cuts pay for themselves by growth in the economy.

Mr. CARDOZA. That is not what the Congressional Budget Office says.

Mr. CULBERSON. Reclaiming my time. When people have more of their own money to spend, the economy grows because they invest and we are rewarding people for hard work and productive behavior.

Other than Social Security and Medicare, which are noble, good programs that have helped this Nation, other than those two, has there ever been a piece of legislation exposing the American taxpayer to greater potential liability than this boondoggle that you are putting before the House today? And I gladly yield some of my time, Mr. TAYLOR. Can you identify a bigger boondoggle than this one?

Mr. TAYLOR. Sure. No more than I challenge the question as to whether or not this is a boondoggle. We have recognized a problem; we are addressing it in a means that pays for itself.

On the other hand, when the Republican majority controlled this House, they brought a prescription drug benefit to the floor.

Mr. CULBERSON. Which I voted against.

Mr. TAYLOR. Which increased the liability of the taxpayers for over $1 trillion and had no funding mechanism. And then they held the vote open for 3 hours to twist arms to pass it. So, sir, that is it.

Mr. CULBERSON. Reclaiming my time. The Republican leadership might have bent the rules to give American seniors a drug benefit; but we didn't break the rules and steal a vote, as you all did, to give illegal aliens access to Federal benefits. And that shows the difference in priorities, I would point out.

□ 1415

Mr. CARDOZA. Mr. Chairman, I recognize my colleague from Texas (Mr. REYES) for 1 minute.

Mr. REYES. Thank you, Congressman CARDOZA and Congressman ROSS, for your valuable assistance in crafting this important amendment.

I also want to thank our friend, as Congressman CARDOZA mentioned, RUBÉN HINOJOSA, who could not join us here this afternoon.

Our amendment stands both for fairness and the integrity of the National Flood Insurance Program.

In El Paso, which is my district, FEMA is currently in the process of issuing new floodplain maps. Initially, the community didn't think much of this exercise because, simply, many didn't know that they had ever lived in a floodplain and didn't expect any problems with this issue.

However, when FEMA asked the Federal agency in charge of flood control, the International Boundary and Water Commission, about the condition of our levees, the answer came back that they were unsatisfactory. The levees were missing a few feet of free board, which is supplemental height and therefore could not be certified, which meant that now members of our community in El Paso were now subject to flood insurance.

That is why this amendment is necessary. That's why we're trying to correct an issue and a problem that everyday people need to wrestle with.

Mrs. CAPITO. Mr. Chairman, I would like to yield my remaining time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, maybe somebody in the majority party could clarify something for me. Does this apply to the wind coverage? Does the gentleman, author of the legislation, know? Does this apply to the wind storm coverage? Does this amendment apply to wind storm?

Mr. CARDOZA. This amendment applies to levees.

Mr. KINGSTON. Does it apply to the wind storm policy? And here's why I'm asking: as I understand it, we're talking about a multi-peril policy that would have flood and wind. And a mortgagee, or a bank, the lender is going to require you to carry flood insurance. Therefore, you go out in the market, well, it won't be the market. You go to Uncle Sugar, I mean Uncle Sam, and you say, I want to get this policy and you're going to get the flood care, but they're also going to sell you the wind storm as part of it.

So is it your intent for people who are in this floodplain area to also get a discount on their wind storm coverage?

Mr. CARDOZA. This amendment's intent is to cover folks who are in flood areas now that are currently covered by levees that, through no fault of their own, FEMA's come in and decertified. They had regulations 2 years ago that said they were fine. They've changed regulations on these folks.

So it's not my intent to affect in any way the wind portion of the policy.

Mr. KINGSTON. Well, if the gentleman will let me ask, and I'll yield back to you, but where in your policy does it say they won't get the discount on the wind coverage? Because I understand what you're doing on the flood. But it appears that wind is going to be in this package. I don't see how we divide it out.

Mr. CARDOZA. My amendment is silent to the wind coverage, sir. It doesn't speak to that.

Mr. KINGSTON. But am I correct that when my lender requires me to carry the flood insurance, then I'm also going to FEMA for the wind storm insurance?

Mr. FRANK of Massachusetts. If the gentleman would yield.

Mr. CARDOZA. I would yield.

Mr. FRANK of Massachusetts. I just double-checked with the staff, and there is no discount available for wind. It's in the bill.

Mr. KINGSTON. Would they have to be in the amendment?

Mr. FRANK of Massachusetts. The language is, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected, it becomes designated as such an area, and it's all about flood. Here it is: the chargeable premium rate for flood insurance under this title shall be, et cetera. So if the gentleman would look at the bottom of the amendment, I'm trying to answer the question.

Mr. KINGSTON. Mr. CARDOZA said it was silent on it, which it sounds like. From what you just read, that's correct. Wouldn't it have to proactively exclude the discount for wind? I'm just asking.

Mr. FRANK of Massachusetts. If the gentleman would yield to me one second, lines 18 and 19, the chargeable premium rate for flood insurance under this title shall be 50 percent.

The CHAIRMAN. The gentleman from Georgia's time has expired. The gentleman from California has 30 seconds remaining on his side.

Mr. KINGSTON. Maybe if Mr. FRANK could finish that sentence.

Mr. CARDOZA. I yield my remaining time to the chairman of the committee, Mr. FRANK.

Mr. FRANK of Massachusetts. The law is the law. The amendment would change things. In that sense the gentleman is right: it is silent. It's silent on the wind part, which means it doesn't change it. It explicitly changes the flood part only. And look at lines 18, 19 and pages 1, 2 and 3, and it specifically restricted the flood.

Mr. KINGSTON. But in a multi-peril policy, you're only getting one premium.

Mr. FRANK of Massachusetts. Oh, no. The gentleman is wrong. The gentleman should yield to the gentleman from Mississippi.

Mr. TAYLOR. Since you were in the business, you know that if you have a federally backed mortgage and you live in a floodplain, you have to buy flood insurance. The wind policy will be totally voluntary. It is an option to those people who wish to purchase. There is nothing in the law to require people to buy the wind policy.

The CHAIRMAN. The gentleman from California's time has expired.

The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. CASTOR

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–351.

Ms. CASTOR. 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 Ms. CASTOR:

At the end of the bill add the following new section:

SEC. ____. GAO STUDY OF FACTORS AFFECTING ENROLLMENT IN MULTIPERIL INSURANCE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify and analyze factors affecting enrollment in the multiperil insurance program. Such study shall include a study of the effects of the multiperil insurance program on enrollment and pricing of State residual property and casualty markets or plans and State catastrophe plans.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the conclusions of the study conducted under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 683, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Mr. Chairman, I yield myself as much time as I might consume.

This amendment commissions a GAO study to examine the effect of the new multi-peril coverage option which is established as an option in this bill on State insurers and catastrophe funds like those in my State of Florida. This amendment works very well with the initiative of Chairman FRANK and my colleague from Florida, Ms. BROWN-WAITE, and their very thoughtful initiatives. But it builds upon it.

And the particular problem in my State of Florida is that the State insurance company, Citizens, now holds 1.3 million policies. Citizens is supposed to be an insurer of last resort; but because private insurance companies have left the State, they've withdrawn from the market, Citizens has ballooned to over 40 percent of the property wind insurance market. Citizens, however, does not have the reserves, the sufficient financial reserves, we believe, to pay the level of claims that would result from a catastrophic hurricane. In the event of a serious storm, Citizens may be forced to turn to public funds again.

The new multi-peril option, I know it's in dispute now, but however you feel about it, we need to get to the bottom of the effect it will have on our

State insurers and catastrophic funds. It could offer new fiscally sound choices for those in high-risk areas. It has the potential to help address wind insurance availability so that the public is not on the hook for claims when the next storm hits.

If the new option is successful in making insurance available to areas where private insurers refuse to go, multi-peril and this wind storm option could relieve the pressure on State insurers like Citizens in Florida. But serious questions remain to be answered about how these State and Federal programs will interact.

Will State insurers leave room in the market for an actuarially based Federal program to achieve high enough enrollment to make a difference?

Will State policies change to help their citizens take advantage of the Federal multi-peril program?

How will enrollment rates of State plans change to reflect the new Federal entrant into the market?

These are important questions for both Congress and States to ask. There will also undoubtedly be interaction between State and Federal programs that will affect enrollment in ways that we cannot anticipate.

So, Mr. Chairman, the study commissioned in this bill will provide vital information to help officials at all levels of government work together to better understand and administer the new multi-peril and wind storm option.

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

Mrs. CAPITO. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. ROSS). Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, I find it ironic, actually, that this amendment, which has its merits, is being advanced, but that other amendments that are sort of similarly situated weren't placed in order. For example, this amendment says that in 9 months the GAO is going to be charged with the responsibility, essentially, of looking back for the past 9 months and looking at the impact on State insurance programs. Great. Really no argument there.

But if looking back is a good idea, isn't looking forward a good idea too? Isn't a prospective look forward at the possibility something that we ought to be doing?

I just find it concerning that we're willing to put a potential program, put the brakes on a potential program and be reflective, when we, at this very moment in time, as we sit here today, as we stand here today, we have the opportunity to accomplish this task by asking the GAO to look forward and look at the impact of this. This is part of the amendments that were, unfortunately, ruled out of order and were not allowed to be brought to the House and we're going to be denied an opportunity to have an up or down vote on the wind program, as Mr. HENSARLING had suggested in his amendment. And yet we're being told, well, you know what, take a glance back after 9 months and let's sort of see how we're doing. And, oh, by the way, we tend to ignore what the GAO says anyway since they've put the National Flood Insurance Program on a high-risk watch list, essentially; and without any managerial changes we're entrusting that group that is on a watch with this great responsibility.

And I think this amendment really brings that real concern to mind, that those of us on this side of the aisle were not being given the opportunity to really debate this in totality.

Ms. CASTOR. Mr. Chairman, I appreciate the comments of my colleague from Illinois, and there certainly is a prospective, forward-looking request of the GAO, and it builds upon the very thoughtful initiative by my colleague from Florida, Ms. BROWN-WAITE, and the chairman of the committee, Mr. FRANK.

I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, at a meeting of the committee, I thought the gentleman was present, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) asked if I would join in a letter to the GAO asking very many of the questions he asked. I have the letter, dated August 9, 2007. And earlier in the general debate, Ms. BROWN-WAITE asked me to engage in a colloquy and commit to taking seriously the recommendations. So we have already asked the GAO for a study, and I believe that study will be going forward.

And if it hasn't already been done, at the appropriate time I will place the letter that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I sent to the GAO into the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, August 9, 2007.

Hon. DAVID M. WALKER,
Comptroller General of the United States, Government Accountability Office, Washington, DC.

DEAR MR. WALKER: We request that the Government Accountability Office (GAO) initiate a review into a variety of questions regarding the expansion of the National Flood Insurance Program (NFIP) to include an optional wind insurance program. The results of your review will assist congressional understanding of how such a program could be implemented and to what extent it would affect the private market.

As background, Section 7 of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007 creates a new program at the NFIP designed to enable NFIP participants to purchase both wind and flood coverage in a single policy, A key provision of Section 7 requires that rates charged for this new, optional, wind coverage be risk-based and actuarially sound, so that the program collects premiums sufficient to pay all reasonably anticipated claims. In so stating, H.R. 3121 specificaIly departs from the method of determining actuarial rates currently used by the NFIP.

Under H.R. 3121 the NFIP would provide optional wind coverage in communities that already participate in the NFIP and that agree to adopt and enforce building codes and standards designed to minimize wind damage. In order for you to better understand the details of the new wind insurance program we have enclosed a copy of H.R. 3121, Section 7 with this request.

In addition to any issues you deem appropriate, we would like the GAO to initiate a comprehensive analysis and determination of the following:

1. The ability of the Federal Emergency Management Agency (FEMA) and the NFIP to implement an actuarially-sound (i.e., with rates priced according to risk, or as defined by standards and methods generally accepted by the actuary industry, incorporating up-to-date modeling technology, and taking into consideration administrative expenses) wind insurance program, including: whether FEMA's current staff and resources enable it to efficiently and effectively expand the NFIP to offer optional wind coverage; how actuarial rates for such coverage could be determined; the likelihood that consumers would purchase coverage at these rates; how this new coverage would be underwritten and sold; how claims arising from this new coverage would be adjusted and paid; whether FEMA's staff and resources are sufficient to be prepared to implement this new wind insurance program on or before June 30, 2008; what additional staff and administrative costs are necessary in order for FEMA to effectively implement and administer this new wind insurance program; and how the availability of optional wind insurance through the NFIP could affect the enforcement of the NFIP's mandatory purchase requirement for flood insurance.

2. The effects, if any, this program could have on existing State wind pools, including capitalization of, and participation in, the wind pools.

3. Whether expanding the NFIP to provide optional wind coverage could: affect the availability and affordability, over the long-term, of wind coverage nationwide; influence the development in private sector markets, including the surplus and non-admitted markets, for multiple peril insurance, or alternatives; result in adverse selection, whereby the wind insurance program could be under diversified and particularly vulnerable to large events; and lead to the development of lower, yet actuarially sound rates for wind coverage similar to wind coverage offered by the private sector, in the same geographic area.

4. To what extent, if any, the new wind insurance program could expose U.S. taxpayers to loss, including but not limited to the case of program deficit.

5. Are alternative methods available to provide NFIP participants with better wind coverage options.

6. To what extent, if any, gaps in coverage may still exist, between the coverage included under most homeowners policies, and the flood and wind coverage provided by the NFIP.

As referenced above, H.R. 3121 requires the NFIP to implement the new wind insurance program by June 30, 2008. For this reason, it is our strong hope that you complete your study provide us with your findings no later than April 1, 2008.

Thank you very much for your assistance as we attempt to further our understanding of these important issues related to the NFIP. If you have any questions regarding

this request, please contact Tom Glassic or Arnie Woeber.

Sincerely,

BARNEY FRANK.
GINNY BROWN-WAITE.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

In listening to the debate over this amendment, my question becomes, if we move forward and make wind part of one of the insurable events under this program, and then we study, through the gentlelady's amendment, the effect this has on State insurance, and we find out, after it's already been put into effect, that it's too costly or it's damaging the insurability at the State level and other issues, what are we going to do then?

This is where it goes to my argument in the beginning that we're really entering into this prematurely, because we have so many unanswered questions.

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

Ms. CASTOR. Mr. Chairman, I will reserve the balance of my time until it is time to close.

Mrs. CAPITO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I'd like to ask the author of the amendment if she'd be willing to accept an amendment that we also ask the GAO to examine the effects on the taxpayers of the United States of all the perils created by this legislation and the financial risk this exposes the taxpayers too, because, again I think it's vitally important for this House to recognize that the potential liability this legislation exposes the taxpayer to, as Mr. BAKER said earlier, there's about $19 trillion worth of insurable property around the coast of the United States. The flood insurance program's already $20 billion in debt, and the United States, according to the GAO, already faces potential liabilities, direct and indirect, not potential, direct and indirect liabilities of $50 trillion.

□ 1430

That works out to $170,000 per person. Every household in the United States would have to buy $440,000 worth of T bills today just to pay for the explicit and implicit liabilities of the United States.

And, finally, I would just remind the majority of something that my hero Thomas Jefferson said in his first inaugural address because of repeated attempts, this majority has shut out all amendments by the minority. Thomas Jefferson said that although the rule of the majority is in all cases to prevail, that rule to be rightful must be reasonable and must always protect the rights of the minority, which this majority has not done.

Ms. CASTOR. Mr. Chairman, I yield 30 seconds to the chairman of the committee.

Mr. FRANK of Massachusetts. First, Mr. Chairman, I hope the gentleman from Texas will remember this problem about spending when we again debate the proposal to spend hundreds of billions of dollars sending a manned spaceship to Mars, which I have been opposed to, and I hope he will join me in that unnecessary expenditure and oppose it.

Secondly, CBO says he is wrong. The wind part is written, unlike the flood part, to require actuarially sound policy premiums to break even, and CBO certified that it's there. So the notion that this is adding trillions or even billions to our debt is simply wrong, according to CBO.

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

Ms. CASTOR. Mr. Chairman, just to close, rather than any attention placed on Mars, I am glad that here in the Congress we are able to place some attention on our coastal areas in this country that are at risk from catastrophic loss.

I urge approval of my amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. CASTOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–351.

Ms. CASTOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. CASTOR:

In the matter proposed to be inserted by section 7(d) of the bill, in paragraph (2) of subsection (d) strike ''windstorms'' and insert ''windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Mr. Chairman, I yield myself such time as I may consume.

This amendment will help protect homeowners in coastal areas from windstorms by ensuring that natural wind barriers remain intact. It instructs the Director of FEMA to consider natural protective sand dunes and wetlands when developing criteria for the multi-peril insurance. No matter how you feel about the multi-peril option in this bill, I think everyone will agree that it is in our country's best interest to discourage any investment of public dollars in those areas.

One of the most sensible features of the National Flood Insurance Program is the requirement that in order to remain eligible, communities must enact strong growth management laws, flood mitigation strategies that will help prevent catastrophic losses rather than just responding to them when they occur. The bill we are considering today expands the national flood insurance with an optional wind component. Just like flood policies, wind policies will be contingent on prevention and mitigation activities developed by FEMA.

While it's absolutely imperative that homeowners themselves take the initiative to prepare their properties for windstorms, some of the best mitigation and prevention measures naturally exist along the coast. So no matter what your opinion is of the multi-peril option, if government is going to offer a multi-peril option for windstorm damage, our interest should be in doing all we can do to reduce the risk side of the equation. In the event of a hurricane, wetlands and coastal dunes act as shock absorbers, and these natural environmental features bear the brunt of the monumental pounding of wind so that homes, businesses, and schools don't have to.

I am also going to recognize another colleague, but at this time I urge approval of the amendment.

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

Mrs. CAPITO. Mr. Chairman, I would like to claim time in opposition, although I am not opposed to the gentlewoman's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I would like to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I just want to say I'm confused here. This is opening up the floodgates for coastal development. Whom are we fooling here? As a matter of fact, I just understood that U.S. PIRG and a lot of pro-environmental groups are opposing this. It puts me on an odd side of things. But whom are we kidding? This is all about coastal development. And don't say, when you're knocking over the marshland, don't touch that sand dune. If you're serious about sand dunes, if you're serious about the wetlands, if you're serious about the environment, the fragile coastal environment, you will oppose this bill. This is the best thing in the world for developers. In fact, I'm a little bit surprised that developers aren't knocking down the doors and saying to fiscal conservatives who are opposing the bill for that, what are you doing? This is the best thing.

The great State of Florida, where I have vacationed and so many other people do, we all love the State of Florida and its natural environment. But, goodness gracious, Carl Hiaasen wrote the book ''Strip Tease.'' I mean, there's book after book about overdevelopment in Florida.

That is all this whole bill does is allow continued overdevelopment in the coastal area of Florida and other environmental areas. So to have a fig leaf here to say, well, don't worry, FEMA is going to worry about that sand dune and those sea oats in the coastal area, that's a very mixed signal.

Let me yield to my friend from Massachusetts, who I am sure has some great wisdom for this confused guy.

Mr. FRANK of Massachusetts. As the gentleman knows, I was opposed to the Rules Committee's decision to keep out several Republican amendments. I now regret that even more because if the gentleman had a real amendment to argue for, he wouldn't be making these badly strained irrelevant arguments on this particular poor little amendment. It really doesn't deserve all the rhetoric it's getting.

Mr. KINGSTON. Mr. Chairman, I reclaim my time.

I want to say to Mr. FRANK, do you not agree with me that this is the greatest development bill there is?

The Acting CHAIRMAN. The time of the gentleman from Georgia has expired.

Ms. CASTOR. Mr. Chairman, I yield 30 seconds to the chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, to answer the direct question by the gentleman, no, I would not say this is the greatest development bill. But I would also say he says he was puzzled. Not as puzzled as I am in trying to figure out what in the world this had to do with the amendment we are dealing with. Maybe it is considered, I don't know, stuffy to deal with the amendment under consideration. I always prefer it as a method of debate.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Let me restate. Right now it is a fact homeowners and lenders are having trouble getting flood insurance and windstorm insurance in the areas where there are lots of floods and lots of windstorms, coastal areas. This allows them to get it at an economic price that is a lot lower than the private sector because it's a government subsidy. Therefore, America, being great entrepreneurs, this is a very pro-growth, pro-development amendment. I cannot understand how you would not agree with that.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman.

Mr. FRANK of Massachusetts. In the first place, the flood part environmentalists strongly support because it restricts where people can go and raises the fee. As to the wind part, it's not a subsidy.

Mr. KINGSTON. Let me reclaim my time just to bite on that piece of the apple.

Mr. FRANK of Massachusetts. If you don't like the answer, don't ask the question.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, let me say this. We just passed an amendment for people who have to buy insurance. They don't have to buy insurance. They can move. If they are living in areas that are susceptible to flood, this is still a free America. They can move on. So we are encouraging them to move into flood areas and windstorm areas that are critical environmental areas.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. Yes.

Mr. FRANK of Massachusetts. The amendment that you are talking about specifically did not encourage anybody to move. It dealt with people who are already there, having moved there previously, found subsequently they were in a flood area. But the general thrust of the bill on flood, strongly supported by environmentalists, is to increase the amount that's charged in many cases and to restrict the building.

As to wind, there is no subsidy. It is required to be actuarially soundly financed. So, yes, it's a government program, but one without any subsidy to the homeowner on the wind part.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, just to emphasize this point. This creates a stable predictability in the insurance premium by the homeowner and developer. Therefore, it makes it easier to develop in a coastal area.

Listen, I understand what you are doing, but I just think this fig leaf of an amendment saying let's protect the environment is a little bit silly because the entire point of the bill disregards the environment.

Ms. CASTOR. Mr. Chairman, I yield 1 minute to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I am actually encouraged by some of the common expression that is here. I share some of my friend from Georgia's reservations about where we are getting into with wind coverage. The chairman is right when he noted the focus on restrictions for flood insurance to reduce the problems you are talking about is in the underlying bill. What my good friend from Florida is offering is if you are going to be in this area dealing with wind peril that there is a requirement to discourage elements in the land uses that will not make it worse.

So you are both on the same side. You may want to go further with the wind peril. I am open to that. We are not done with this legislation yet. There are unanswered questions. I agree with you. But in the meantime, acknowledging what the committee has done to narrow the scope with flood insurance peril, which is, I think, extraordinarily positive, and the gentlewoman is speaking out for solid land use, having the natural barriers protected, that will save all of us money.

I am optimistic. If we can talk this through, there are enough elements here that will be good for the environment, good for the taxpayer, and under the leadership of Chairman FRANK, I am convinced we can get there before we're done.

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

Ms. CASTOR. Mr. Chairman, the Federal multi-peril option must not be an invitation to develop on our sensitive natural coasts, and we must protect the natural windbreaks like the coastal dune areas. That is why it is important to instruct FEMA, as they develop the eligibility criteria for the multi-peril program, that they must take into account the natural protective features.

Mr. Chairman, I urge my colleagues to adopt this amendment and protect the natural wind barriers that will make damage mitigation efforts more manageable.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–351.

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BLUMENAUER:

Subsection (k)(2) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by adding at the end the following new subparagraph:

''(C) EFFECTS OF GLOBAL WARMING.—In updating and maintaining maps under this section, the Director shall—

''(i) take into consideration and account for the impacts of global climate change on flood, storm, and drought risks in the United States;

''(ii) take into consideration and account for the potential future impact of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding; and

''(iii) use the best available climate science in assessing flood and storm risks to determine flood risks and develop such maps.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am, in fact, encouraged with some of the discussion that is here today. If we sort of cut through some of the areas where people are cranky, as I understand it, I think we are looking at some broad areas of agreement that, at the end of the day, we are going to have a stronger flood insurance program that will be able to answer some

of these questions. I have an amendment that I think will further strengthen this because, as we learned during Katrina, there is more work to be done to make sure that the flood insurance program is able to fulfill its mission of providing flood insurance and helping communities reduce that flood risk.

Now, I am pleased that the underlying legislation makes some very important reforms to the program that I have been involved with for the last 6 years.

□ 1445

What I propose in this amendment is an adjustment to the legislation to help ensure that FEMA is better prepared for current and future risks and that people have the information that they need to reduce their own risk. The amendment simply requires FEMA to take into consideration the impacts of global warming, current and future, when updating and maintaining flood insurance program rate maps.

The flood insurance maps are significantly outdated; over 75 percent of them are at least 10 years old. Not only are they outdated, but they estimate risk by extrapolating solely from historic loss, as my friend from Louisiana (Mr. BAKER) pointed out earlier.

Unfortunately, it looks like the future will bring new weather patterns. A recent report from the Intergovernmental Commission on Climate Change, the leading group of climate scientists from around the world, indicated that, with climate change, future hurricanes will become more intense, with larger peak wind speeds and heavier precipitation. Changes in snow pack and sea level rise will also have a significant impact on flood risk. These impacts are not currently considered in the floodplain map modernization effort.

My amendment will improve upon this mapping program by ensuring that FEMA is prepared to improve the mapping accuracy. It will require the Director to take into consideration the impacts of global warming on flood, storm and drought risk; and take into consideration the potential future impacts of local climate change, weather-related events; and use the best available climate science in assessing flood risks and updating FEMA maps.

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

Mrs. CAPITO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. I would like to ask the author of this amendment a couple of questions just for my own clarification, if I could.

First of all, when you're directing FEMA to use the most up-to-date science on global climate change and weather-related issues, does FEMA currently have this technology available? Where does this technology exist for FEMA? And with what type of accuracy can you predict that FEMA will be able to predict? I know FEMA is in the business of declaring where floodplains are; it has a lot of science connected with this. Where is this technology coming from? What sophistication of the equipment exists, and how do you think these will be arrived at?

I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Excellent question. Around the world, scientists are a part of this consensus, and we are refining tools. One of the problems with this administration is they've been trying to stifle, as you know, scientists within the administration speaking out on this, and we have undercut investment in these resources.

The fact is that there is better information now for climate change. I have no problem whatsoever of our being able to invest to increase it further, but there is a global scientific consensus, there is investment in NASA, there are already resources within the Federal Government. They are not currently used now by FEMA, the stuff that we've got now, let alone what we're going to have in the future.

Mrs. CAPITO. Well, my question would be, if that's available to FEMA now to be able to more accurately predict the ebb and flow of water across the United States and the coastal regions, why isn't that being used by FEMA right now, if that's available? Is it statutorial?

Mr. BLUMENAUER. As my friend, Mr. BAKER, pointed out when he was arguing a few moments ago, they use a different pattern, a different model right now. What we're doing with this legislation is we are requiring them to change the model, use the information that's available right now by the Federal Government, hopefully the Bush administration won't try and stifle it, and use that for forecasting current and prospective. Right now they don't do it in their modeling, and there's no reason why they can't. This legislation would require it.

Mrs. CAPITO. Then going further from what you're saying, is what you're really saying changing the entire FEMA modeling perspective, or putting this on top of what is already existing at FEMA?

Mr. BLUMENAUER. What we're saying now is that we are in a world that everybody else acknowledges is rapidly changing. It looks like climate change, global warming is a reality, and just using straight-line extrapolation for FEMA to determine 100-year flood plains or 500-year floodplains doesn't work because it is changing much more rapidly than past patterns would expect.

So we ought to use the best available science here and around the world to look at what's likely to happen in the future. FEMA doesn't currently do that. They look at flat-line projections of past activity, not looking at using the best available science for what's going to happen in the future.

Mrs. CAPITO. Thank you. I have a lot of questions about the answer to the question I just asked; but at this point, I will yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I want to say to my friend, I actually think that you're feeling around the right part of the woods on this stuff. This is actually an important amendment; but I, like the gentlewoman from West Virginia, really doubt FEMA's expertise in solving this problem. And I hope that during the legislative process of this you can maybe shore up the language to say that they ought to have somebody with a lot better scientific and organizational mind than they would be in this. I mean, I keep thinking FEMA-Katrina, not a good idea to let them study anything. In fact, there are a whole slew of amendments here that probably won't be speaking of, but it gives FEMA instructions and directions to do this and that. I don't have the faith in FEMA which your side apparently does. I think this is like asking the post office to do an efficiency study; it's just not a good idea.

But I do believe that you should put in there something about rising tides because you don't have anything about tidal levels. In the State of Georgia, we have a 7-foot tide, Florida has about a 1- or 2-foot tide. That stuff all makes a difference.

Mr. BLUMENAUER. Mr. Chairman, may I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Oregon has 2½ minutes remaining; the gentlewoman from West Virginia has 1 minute remaining.

Mr. BLUMENAUER. Let me just take 30 seconds here.

This is something that isn't unknown. GAO found that 11 out of 11 insurance companies that they surveyed already incorporate this into their risk models. FEMA can do this using the private sector, and it can use government data that the Bush administration has been suppressing now in other areas, open it up, let these climate scientists that work in other parts of the government advise FEMA, or contract with the private sector. It's not hard to find the information.

Mrs. CAPITO. I yield 30 seconds to the gentleman from Georgia.

Mr. KINGSTON. I want to say to my friend, again, I support what you're after; I think this is a serious amendment. But when you say this information is out there, FEMA can get it, it was also well known that people were in the Superdome, but FEMA had trouble figuring that out and what to do about it. So just keep in mind who you're giving this authority to. But I do want to say to the gentleman, I understand what you're after, and I think it's important.

Mrs. CAPITO. I think the gentleman's amendment has great merit, but I question the fact that he's already

mentioned that the data that we're using in the future, the data that we're using to come about insurance rates in this flood bill, how can we then add on wind as another peril when we're not sure that the data that we're using to predict future weather forces is accurate at all?

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

Mr. BLUMENAUER. In conclusion, Mr. Chairman, I understand the reticence that my good friend from Georgia would have giving the current administration of FEMA more tools. I'm sorry he's beating up on the administration, but I understand it. They haven't shown that they're very adept. But think of this as longer-term legislation. There will be a new administration; there will be professionals who are there. The point is that, whoever is there, they need to use the most up-to-date, modern information to think about what's going on in the future.

The science is already available in parts of the Federal Government right now that could be used. The information is available that the private sector is already using. All this amendment says, notwithstanding that I share your concern about who's running it now, but that will change, I guarantee you, that when it changes, and even until it changes, we can give them a mandate to look at the bigger picture and factor climate change in. And I am open to working with the gentleman in terms of whether it's contracted, or it's Federal information, or it's from other international sources. The point is they currently do not do it; we haven't instructed them to do it. This is one thing we can't blame on the inept FEMA administration; it's something that Congress needs to change. And with your help, we can approve this amendment, we'll change their marching orders, we will have the big picture, and it's one of these things we can agree on, work on together, and we will all be better off.

I urge approval of the amendment.

Mr. WELCH of Vermont. Mr. Chairman, first, I want to thank the gentleman from Massachusetts, Mr. FRANK and the gentlewoman from California, Ms. WATERS, for their hard work in preparing H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007. I have received positive feedback from the Regional Planning Commissioners and emergency managers in support of this bill. The Planning Commissioners and emergency managers serve on the front-line of declared disasters and work with both towns and FEMA. In fact, Vermont has recently dealt with several significant flooding events and this legislation will go a long I way to improving our response in the aftermath. This bill also provides much needed reform of the National Flood Insurance Program, NFIP.

I also want to thank the gentleman from Oregon, Mr. BLUMENAUER, for his thoughtful amendment and working with me and Representative GILCHREST as co-sponsors. This bi-partisan amendment requires FEMA to consider modern climate science when mapping floodplains. Current flood maps do not take into account critical information beyond past flooding history. Accurate floodplain maps incorporating scientific global warming impact predictions will ensure that citizens are aware of the future flood risks in their communities and help prevent the loss of human life, property, and important wildlife habitat. Communities will be able to use these maps in considering their own land use planning and development projects.

I believe that the focus on global warming adaptation planning is critical while Congress also moves forward to aggressively address climate change through legislation. Adaptation includes addressing the occurrence and likelihood of more frequent, intense, and severe storms bringing our rivers and streams beyond flood stage; sea-level rise flooding coastal and tidal communities that may even be hundreds of miles inland; reduced snow-pack that is changing annual runoff and water collection; and of course the impact of hurricanes; all of which are resulting in significantly greater flooding across the nation.

Vermont communities like Barre or, our capitol of Montpelier are finding that surrounding rivers and streams are more unpredictable—large rain events have resulted in dramatic river and stream bank erosion that promotes flooding in nearby towns. Rivers and streams are overflowing in areas that were not typically flooded. We are finding flooding events both in and out of current flood plains where people have lost property due to sudden and unexpected river and stream rise. Many of these families are low-income and their homeowners insurance, if they have it, does not cover their claims. And of course, they don't qualify for SBA disaster assistance loans.

We believe that changing weather patterns require the tools for smart land use and development decision-making. Updated climate science flood mapping will help all citizens make informed decisions on flood risks and the need to purchase flood insurance. Updated flood maps will also aid communities in smart growth planning to minimize the risk of flooding to their cities and towns.

This amendment has received strong support by the National Wildlife Federation, U.S. Public Interest Group, Sierra Club, League of Conservation Voters, Natural Resource Defense Council, Friends of the Earth, Audubon, Earthjustice, American Rivers, Republicans for Environmental Protection, and the Union of Concerned Scientists.

I strongly urge my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–351.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

At the end of the bill, add the following new section:

SEC. 30. NATIONAL FLOOD INSURANCE ADVOCATE; REPORTS.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. NATIONAL FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency a National Flood Insurance Advocate. The National Flood Insurance Advocate shall report directly to the Director and shall, to the extent amounts are provided pursuant to subsection (c), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title.

''(2) APPOINTMENT.—The National Flood Insurance Advocate shall be appointed by the Director and the flood insurance advisory committee established pursuant to section 1318 (42 U.S.C. 4025) and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

''(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

''(A) a background in customer service as well as insurance; and

''(B) experience in representing individual insureds.

''(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 5 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(5) STAFF.—To the extent amounts are provided pursuant to subsection (c), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Advocate.

''(b) DUTIES.—The duties of the National Flood Insurance Advocate shall be to conduct studies with respect to, and submit, the following reports:

''(1) REPORT ON PROBLEMS OF INSUREDS UNDER NATIONAL FLOOD INSURANCE PROGRAM.—Not later than the expiration of the 12-month period beginning on the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007, the National Flood Insurance Advocate shall submit a report to the Congress regarding the national flood insurance program, which shall—

''(A) identify areas in which insureds under such program have problems in dealings with the Federal Emergency Management Agency relating to such program, and shall contain a summary of at least 20 of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(B) identify areas of the law relating to the flood insurance that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying such problems;

''(C) identify the 10 most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

''(D) identify the initiatives of the Agency to improve services for insureds under the national flood insurance program and actions taken by the Agency with respect to such program;

''(E) contain recommendations for such administrative and legislative action as may be appropriate to mitigate or resolve problems encountered by such insureds; and

''(F) include such other information as the National Flood Insurance Advocate considers appropriate.

''(2) REPORT ON ESTABLISHMENT OF AN OFFICE OF THE FLOOD INSURANCE ADVOCATE.—Not later than the expiration of the 6-month period beginning on the date of the initial appointment of a National Flood Insurance Advocate under this section, the Advocate shall submit a report to the Congress regarding the feasibility and effectiveness of establishing an Office of the Flood Insurance Advocate, headed by the National Flood Insurance Advocate, to assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program. Such report shall examine and analyze, and include recommendations regarding—

''(A) an appropriate structure in which to establish such an Office, and appropriate levels of personnel for such Office;

''(B) other appropriate functions for such an Office, which may include—

''(i) identifying areas in which such insureds have problems in dealing with the Agency relating to such program;

''(ii) proposing changes in the administrative practices of the Agency to resolve or mitigate problems encountered by such insureds; and

''(iii) identifying potential legislative changes which may be appropriate to resolve or mitigate such problems;

''(C) appropriate procedures for formal response by the Director to recommendations submitted to the Director by the National Flood Insurance Advocate;

''(D) the feasibility and effectiveness of authorizing the National Flood Insurance Advocate to issue flood insurance assistance orders in cases in which the Advocate determines that a qualified insured is suffering or about to suffer a significant hardship as a result of the manner in which the flood insurance laws are being administered or meets such other requirements may be appropriate, including examining and analyzing—

''(i) appropriate limitations on the scope and effect of such orders;

''(ii) an appropriate standard for determining such a significant hardship;

''(iii) appropriate terms of flood insurance assistance orders; and

''(iv) appropriate procedures for modifying or rescinding such orders;

''(E) the feasibility and effectiveness of establishing offices of flood insurance advocates who report to the National Flood Insurance Advocate, including examining and analyzing—

''(i) the appropriate coverage and geographic allocation of such offices;

''(ii) appropriate procedures and criteria for referral of inquiries by insureds under such program to such offices;

''(iii) allowing such advocates to consult with appropriate supervisory personnel of the Agency regarding the daily operation of the offices; and

''(iv) providing authority for such advocates not disclose to the Director contact with, or information provided by, such an insured;

''(F) appropriate methods for developing career paths for flood insurance advocates referred to in subparagraph (E) who may choose to make a career in the Office of the Flood Insurance Advocate; and

''(G) such other issues regarding the establishment of an Office of the Flood Insurance Advocate as the National Flood Insurance Advocate considers appropriate.

''(3) DIRECT SUBMISSION OF REPORTS.—Each report required under paragraph (2) shall be provided directly to the Congress by the National Flood Insurance Advocate without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 and each fiscal year thereafter such sums as may be necessary to carry out this section.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself 2 minutes.

I come before you today, Mr. Chairman, on behalf of Anne Beck of Erwinna, Pennsylvania; Tony Plescha of Yardley, Pennsylvania; Nancy Rees of Yardley, Pennsylvania; and thousands of families across my district of Bucks County who have been hit by three floods in 3 years.

Mr. Chairman, I ask my colleagues to picture a family distraught, a home in tatters, and rain that just won't stop. If that family asked for help, either from their insurance company or from FEMA, they would face a maze of bureaucracy instead of relief. As of right now, there is no one who will fight for families or business owners who seek assistance in rebuilding after a catastrophic storm.

We are trying to change that here today. With this amendment, we are looking to create the Office of the Flood Insurance Advocate, someone to fight for all of us when we need help the most.

Modeled after the successful Taxpayer Advocate Service at the IRS, this office would fight the battles for weary, rain-soaked families and businesses looking to rebuild.

In creating the Flood Insurance Advocate, our measure would help cut through the red tape. The National Flood Insurance Advocate would do two major things: the first, report to Congress about problems facing the flood insurance program; and, second, determine the most effective way to create the Office of the Flood Insurance Advocate nationwide.

Mr. Chairman, families and businesses back home need our help.

I now yield 3 minutes to the distinguished gentleman from New York, a colleague in the Blue Dog Coalition, Mr. MIKE ARCURI.

Mr. ARCURI. Mr. Chairman, I rise to join my good friend from Pennsylvania (Mr. PATRICK J. MURPHY) in strong support of this amendment and the underlying legislation.

I would like to thank the distinguished chairman of the Financial Services Committee for producing a bill that updates the National Federal Insurance Program to meet the needs of the 21st century. It improves flood mapping; increases financial accountability; and is comprehensive, responsible public policy that will benefit thousands of Americans in the highest risk areas.

Mr. Chairman, across my district in upstate New York, the increasing frequency and destructive power of rainstorms and snow melts in recent years has caused flooding disasters which have seriously damaged homes and businesses in a number of communities.

Some of these communities in the Susquehanna River Basin, like the city of Oneonta, suffered a fate last year similar to the areas in Pennsylvania situated in the Delaware River Basin. The city of Oneonta experienced very damaging flooding in June of 2006 caused by severe rainstorms. However, it is now September of 2007, and there are local homeowners and businesses still wrestling with FEMA's burdensome claims process waiting on settlements they were assured as National Flood Insurance Program policyholders.

Mr. Chairman, the same is true for the local city government in Oneonta. It took almost 1 whole year after the disaster for FEMA to fully reimburse the city for repairs to public infrastructure severely damaged during the floods. Even after many months of persistence at the regional FEMA office, the city was left with no recourse and had to seek the assistance of my office for intervention.

Finally, after encountering hurdle after hurdle for a year, the city received their reimbursement from FEMA. We should ask ourselves, should we not strive to create more efficiency in an agency that is still learning lessons in the aftermath of Katrina and Rita?

□ 1500

Mr. Chairman, the amendment Mr. MURPHY and I are offering today will study the feasibility of creating an independent office within FEMA. Its primary task will be to help local homeowners and business owners in Upstate New York and across the U.S. to navigate the often tedious and complicated Federal flood insurance claims system within the National Flood Insurance Program.

The amendment establishes a National Flood Insurance Advocate, which would be tasked with providing insurance policyholders across the U.S. with a type of ombudsman to represent the public interest by investigating and addressing complaints. The amendment also requires that the National Flood Insurance Advocate report to Congress with analysis of the major

problems facing the National Flood Insurance Program. This National Flood Insurance Advocate is based on the successful model of the Taxpayer Advocate Service, which has helped countless constituents navigate the Internal Revenue Services.

Mr. Chairman, I urge my colleagues to support the adoption of this amendment, and I urge support for passage of the bill.

Mrs. CAPITO. Mr. Chairman, I would like to claim time in opposition to the amendment, but I am not necessarily opposed to it.

The Acting CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I am glad we are considering this amendment to have FEMA give us a comprehensive report of the problems facing the flood insurance program. We already established that this legislation, in essence, is going to create a public-private partnership in which the insurance companies are going to collect the premium and the taxpayers are going to pay the bill. We have already established, as Mr. BAKER pointed out earlier, that there is potentially $19 trillion worth of valuation of property out there along the coastlines that are, again, a risk that the taxpayers are assuming. The TRIA legislation, Terrorism Risk Insurance legislation that the liberal leadership of this House pushed through last week puts taxpayers potentially on the hook for $100 billion.

I wanted, if I could, to just get an answer to my question in the time that I have got. Other than Social Security and Medicare and not counting the Mars program that the chairman mentioned, because there is no such program, can the chairman or anyone else on that side identify a single piece of legislation that has created a bigger potential risk to the taxpayers than this bill? This, I won't say boondoggle, but this piece of legislation creates potentially trillions of dollars worth of liability. Is there any piece of legislation you can identify other than Social Security or Medicare that creates potentially trillions of dollars worth of liability to the taxpayers?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Virtually every piece of legislation we deal with, because this legislation has two parts, one part which will reduce an existing liability, that is, there is already out there a flood insurance liability. This bill, unanimously agreed to by all in the committee who worked on it, will reduce that in the flood part.

With regard to water, this will raise premiums and restrict placement. With regard to the new part, the wind part, it will create no liability, because as I have said several times, the bill strictly says that premiums will have to be actuarially sound. And CBO has certified that that is accurate. So CBO has certified this will, over time, produce no new liability on wind and save money on water.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I want to tell you about Nancy Rees of Yardley, Pennsylvania. Over the last 3 years, Yardley was hit with three floods. Mrs. Rees came to our office because her insurance policy was rated with the wrong formulas. This seemingly simple mistake cost her an extra $10,000 per year in insurance premiums. $10,000 more a year. Thankfully for Mrs. Rees, after countless hours of working with our staff, she was successful. But in this case, a flood insurance advocate could have stood up for her in the wake of a major flood. That is why we need to pass this amendment.

Mrs. CAPITO. Mr. Chairman, I yield my remaining time to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. In response to the distinguished chairman's point that the legislation requires that the program be actuarially sound, that is true that is in the bill that you produced here. However, the law also requires that the flood insurance program be actuarially sound. It is $20 billion in debt. The legislation before the House asked the Federal Government, the taxpayers, to assume a potential liability for the $19 trillion worth of insured property, a valuation of property just along the coastline. It is important to remember that the taxpayers of the United States are already facing liability of $50.5 trillion according to the Government Accountability Office. It is just irresponsible. It is dangerous to pass legislation like this, creating a massive new expansion of an existing program that is already $20 billion in debt at a time when the country faces massive debt and massive deficits. It is just irresponsible and dangerous.

I wanted to point out to the House and to the people out there listening, Mr. Chairman, that this legislation is fiscally irresponsible. It is dangerous.

Mr. Chairman, I urge the House to defeat it. It is a bad idea to pass on the liability like this to the taxpayers.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The mistakes the gentleman makes are these; the basis on which the flood insurance policies are set is different. The one in this bill, the wind policy, it is a much tougher requirement to be actuarially sound. And CBO, unlike the gentleman from Texas, can read the bill.

Mr. CULBERSON. This is a brand new liability that we are passing on to my daughter and to the children of America, to the people of the United States who are already saddled with $15.5 trillion worth of liability, and it is just irresponsible. It is unacceptable. It is outrageous to create a massive new program like this that if it passes that could create, potentially, liability in the trillions of dollars. That is my point. There has never been a more expensive nor more massive creation of potential liability to the taxpayers than this legislation before the House today. That is my point.

Mr. Chairman, I urge every Member who cares about the fiscal solvency of the United States to vote ''no'' against this legislation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. TAYLOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–351.

Mr. TAYLOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TAYLOR:

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, in subsection (c)(7)(A), after ''residential properties'' insert the following: '', which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))''.

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, in subsection (c)(7)(A)(ii), before the semicolon insert the following: '', which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause''.

In section 8 of the bill, strike paragraph (3) and insert the following:

(2) in paragraph (4)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$670,000''; and

(B) by inserting before ''; and'' the following: ''; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014

note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR. Mr. Chairman, I thank the chairman of the committee for allowing this amendment to be considered and hopefully for his help on it.

Mr. Chairman, anyone who has traveled to south Mississippi or south Louisiana after the wakes of Hurricanes Rita and Katrina know we have an incredible housing shortage. Today, 19,000 Mississippi families are still living in FEMA trailers. They are grateful for the trailers. They would rather be someplace else. Part of that problem is, in particular, for renters. In addition to homes being destroyed, a heck of a lot of rental properties were destroyed.

Prior to this amendment, if you are a condo owner or building a condo, you can build a condo with as many number of units as you would like, and each one of those units can be insured up to the value of the Federal flood insurance program. If it is 100 units, each one of them can be insured up to $250,000. On the other hand, if you are considering building rental property, you have two strikes against you. Number one, in the wakes of Hurricanes Katrina and Rita, this private sector that so many people are saying are being so good to us have now said that just for wind insurance it is going to be $300 per unit per month even for a modest apartment.

Secondly, if you are considering building a building, you can insure that building for only $500,000. Whether it is one unit or 1,000 units, you can only get $500,000 worth of coverage for that entire building. It is a disincentive for the private sector to rebuild and to build the sort of housing that we need.

This amendment is all about parity. If we, as a Nation, can insure condominiums for folks who can afford to buy them, then we, as a Nation, ought to be making available insurance for folks who can't afford a condo but who need to rent a place to live.

Like every amendment that I have offered and every amendment that has been made in order, it has been judged by the Congressional Budget Office that this amendment will pay for itself. It has no impact on the Treasury.

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

Mrs. CAPITO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I rise today in opposition to this amendment offered by the gentleman from Mississippi. The bill we are debating today is troubled, I think, because of the deeply in-debt flood insurance program, and now we are not debating, because we were unable to debate on the full floor of the House whether we should include wind in this. Wind is in this bill as a peril. But what this amendment does is further expand that coverage that is very debatable, I think premature, has been unstudied, and I believe this would be very unwise to include this amendment as a coverage expansion.

We have talked about the fact that the flood insurance program owes the U.S. Treasury $18 billion. We have talked about the fact that at a hearing in July on whether we should add wind to the NFIP, that the National Association of Insurance Commissioners, insurance experts, environmental groups, floodplain management groups, Treasury and FEMA all opposed the initial expansion. And suffice it to say they would certainly oppose, or they could certainly oppose, an even further expansion of this that this amendment represents.

I think that the wind insurance premiums are supposed to be actuarially sound, and the chairman of the full committee has made that point several times. The majority of the NFIP policies are supposed to be actuarially sound. And yet, the nonpartisan GAO says that they are not actuarially sound. We know that very few government insurance programs are ever actuarially sound.

Mr. Chairman, I urge my colleagues to oppose this amendment and to avoid a further expansion that this new mandate in this amendment represents.

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

Mr. TAYLOR. First, Mr. Chairman, I would like to encourage the gentlewoman, let's deal with the facts. If you have an organization that is opposed to this amendment, name the organization. But let's don't suppose for anyone whether they are for it or against.

Secondly, Mr. Chairman, I yield the remainder of my time to the chairman of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman, and I regret to say the entertainment value of what was not an exciting subject from the beginning appears to have gone down because the gentleman from Texas (Mr. CULBERSON) has left the floor. I thought his method of argument, which is the frequent repetition of error at increasing volume, added a certain panache to the proceedings. But since the last time he reiterated those errors, I thought it would be useful to correct them.

First of all, this bill and this amendment not only doesn't add to the Federal Government's liability, it diminishes existing liability. The flood program was allowed to get deeply in debt. This bill with respect to flood says that there will be higher premiums and there will be fewer buildings in the floodplain areas. So it clearly reduces. It is supported in that respect by environmentalists and taxpayers.

The wind part does add a new program. It adds a new program subject to the PAYGO rules, and it requires that it be strictly actuarially sound. Now, the gentleman from Texas could not seem to understand the basic distinction. He said, ''Well, the flood program was supposed to be actuarially sound and it isn't.'' True. That is why when we did the wind program, we wrote a much more specific and binding set of instructions that it be actuarially sound.

The fact is that the flaws that led the water program to be in debt are corrected in this bill. That is not simply the opinion of the author, the gentleman from Mississippi, or this committee. It is CBO, the Congressional Budget Office's certification. So the notion that this adds to liability is simply wrong. It will reduce the outgo with regard to the water program. With regard to the wind program, it is actuarially sound, and in this bill, if it begins to run into deficit, the program cuts off.

So an analogy between the wind funding and the water funding is flatly wrong. They are written differently. We have learned from our mistakes. And that is true of this amendment, too. The gentleman has offered an amendment that would increase coverage subject, again, to the very strict rules that say we will be actuarially sound.

Now, I have no particular hope that this is going to sink in everywhere, but it does seem to me to be useful to have the fundamental facts out there on the record.

□ 1515

Mrs. CAPITO. Mr. Chairman, I take heed to the gentleman's words from Michigan, and I tried to sort of recorrect my initial assumption that they would oppose the amendment. So I apologize for that.

Mr. Chairman, I would like to place in the RECORD letters from folks who do oppose the bill in general because of the wind addition. That would be: Friends of the Earth, National Wildlife Federation, U.S. Public Interest Group, America Insurance Association, Property Casualty Insurers, Financial Services Roundtable, Consumer Federation of America, Reinsurance Association of America.

SEPTEMBER 26, 2007.

Re: Support For the Blumenauer-Gilchrest Global Warming Amendment to H.R. 3121 and opposition to provisions expanding the National Flood Insurance Program (NFIP) to include wind coverage

DEAR REPRESENTATIVE: We write to express our support for the Blumenauer-Gilchrest Global Warming Amendment to the Flood Insurance Reform and Modernization Act, H.R. 3121. This amendment would require that the Federal Emergency Management Agency, FEMA, consider the impacts of global warming on flood risks as it administers

the National Flood Insurance Program, NFIP, Map Modernization Program. To adjust to the reality of global warming, Congress must require that the NFIP floodplain maps incorporate the best available climate science. Accurate floodplain maps will ensure that citizens are aware of the flood risks in their community and help prevent the loss of human life, property, and important wildlife habitat as we face more global warming-powered weather events.

Section 22 of H.R. 3121 provides much needed guidelines and ongoing mapping support for FEMA's map modernization effort. Flood insurance maps are the basic planning documents for the NFIP and provide a foundation for planning in developing communities. According to the Congressional Research Service, however, over 75 percent of the nation's 100,000 flood maps are at least 10 years old. Currently, H.R. 3121 fails to require FEMA to consider modern climate science when mapping floodplains. Under current methodologies, many of FEMA' s maps are already out of date and inaccurate when they are certified because they fail to take into account both critical new information beyond past flooding history, including the impacts of global warming. These outdated maps have resulted in more instances of storms with significantly greater flooding than predicted and give citizens a false sense of security that they will not be subject to flooding. This false sense of security is especially troubling as global warming's impacts become evident. Global warming will result in more flooding of coastal and riverine communities through intense hurricanes, reduced snow pack, and sea level rise.

The Blumenauer-Gilchrest Amendment would ensure that the FEMA Director consider impacts of global warming on our nation's flood risks and the potential future impact of global warming on the intensity of storms, storm surge modeling, sea level rise, and increased hurricane activity. Considerable experience exists in these areas, and the Blumenauer Amendment would ensure that FEMA incorporates the best available climate science into its mapping effort. We strongly support this amendment.

We urge Congress to oppose the multiperil, wind and flooding, insurance program in H.R. 3121, because it could overwhelm the NFIP, cost the taxpayers' billions, increase incentives to develop in hazard-prone and ecologically-sensitive coastal areas and floodplains, and place more lives, properties, and wildlife habitat at risk. We applaud Representative Taylor and other Members for raising the nation's awareness of the increasing risks associated with global warming-powered coastal storms. We are also sympathetic to citizens' desires to remove wind damage and flooding damage distinctions in homeowner's insurance policies in the aftermath of Hurricanes Katrina, Rita, and Wilma. Yet, we oppose adding a wind peril dimension to the NFIP because it would substantially undermine the program's already precarious financial position, would add greater risk and uncertainty especially for the taxpayers and the public, and would distract from the critical missions of the NFIP. Essentially, we must fix the NFIP before we expand it.

Hurricanes Katrina and Wilma have already driven the NFIP into the most dire financial condition in its history, now with a virtually insurmountable U.S. Treasury debt of approximately $18 billion. H.R. 3121 would mandate that FEMA begin the sale of a new federal wind insurance (multiple peril including wind and flood) beginning on June 30, 2008, right before the 2008 Hurricane Season and almost immediately increasing the exposure of the U.S. taxpayers to potentially billions of dollars in new claims. The chances of exposure of a catastrophic storm could swamp the national flood insurance program and leave it crippled forever. The rates of coverage are also significantly greater than those provided by current flood insurance alone: $650,000 for residential structures and contents and $1.75 million for commercial properties and contents. These coverage caps expose the taxpayers to considerable liability. In fact, recent insurance industry estimates show that costs of storms like Hurricane Katrina that were in the $15 to $20 billion range for the NFIP currently, could be three to five times or more, if wind perils were also included. Such costs could potentially overwhelm the program and the costs to taxpayers could balloon to staggering levels.

For these reasons, again, we support the Blumenauer-Gilchrest Global Warming Amendment, which will ensure that FEMA address the realities of global warming in its map modernization effort. We oppose the provisions within H.R. 3121 that expand the NFIP to include wind. These provisions threaten to overwhelm an already failing National Flood Insurance Program that needs substantial reforms to turn the corner on expanding flood risk and to accomplish its other purposes. Although many of the reforms contained within H.R. 3121 represent steps in the right direction, the proposed legislation will not go far enough in fixing the essentially bankrupt NFIP. Congress will have missed an historic opportunity to strengthen the NFIP if it passes this bill in its current form.

Please see the attached overview of our additional concerns with the bill.

Thank you for you attention to this matter.

Sincerely,

ERICH PICA,
Director of Domestic Programs, Friends of the Earth.

ADAM KOLTON,
Senior Director, Congressional & Federal Affairs, National Wildlife Federation.

DAVID JENKINS,
Government Affairs Director, Republicans for Environmental Protection.

EMILY FIGDOR,
Federal Global Warming Program Director, U.S. Public Interest Research Group (PIRG).

SEPTEMBER 26, 2007.

Hon. NANCY PELOSI, Speaker,
Hon. JOHN BOEHNER, Minority Leader,
House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER AND MINORITY LEADER BOEHNER: On behalf of the undersigned associations, we are writing to express our opposition to House passage of H.R. 3121, ''The Flood Insurance Reform and Modernization Act of 2007.'' While we are supportive of the reforms to the National Flood Insurance Program (NFIP) contained in the legislation, we strongly object to the provisions that would add the peril of windstorm to the NFIP.

The addition of wind coverage to the NFIP has the potential to dramatically increase the exposure of the NFIP and the federal government to catastrophic losses. The states along the Gulf coast and eastern seaboard contain more than $19 trillion in insured property values. The majority of these risks are currently insured in the private marketplace or in state residual market programs where the private insurance industry shares the potential losses. Writing a significant number of these properties in the NFIP would markedly increase the federal government's exposure to loss and, despite the provision that calls for ''actuarially sound'' rates for the windstorm portion of this coverage, the potential for a significant taxpayer subsidy. The bill also calls for the NFIP to stop writing and renewing multiple-peril coverage for these policyholders if it is required to borrow federal funds to pay its losses. This has already occurred at the state level, following the events of 2005, several state windstorm residual market plans, which are statutorily required to use ''actuarially sound'' rates, exhausted all of their available assets and had to fund these shortfalls by assessing the insurance industry and/or policyholders.

The policyholders most likely to buy this new federal coverage would be those living in areas that are highly exposed to wind damage, creating adverse selection, as happens with state residual market wind pools today. The amount of ''multiple-peril'' insurance that the NFIP would sell cannot accurately be determined at this time; thus, determining the unsubsidized premium for such coverage would be, even using the best actuarial science, a guess. Although the ''pay as you go'' (PAY-GO) rules require that the costs of the insurance program be unsubsidized by taxpayers, there is a real possibility that the program will not be self-sustaining, particularly in early years when the accumulation of premiums could be vastly exceeded by losses in the event of a hurricane of any significance.

Finally, nationalizing wind coverage under the NFIP, as proposed by this bill, will not resolve ''wind versus water'' disputes following a hurricane, and would do little to facilitate the resolution of these claims because many homeowners, even in flood-prone regions, do not purchase flood insurance—for example, fewer than 20 percent in coastal Mississippi prior to Hurricane Katrina. H.R. 3121 does not mandate the purchase of flood insurance and will not facilitate the resolution of claims for policyholders who do not purchase this coverage.

For these reasons, we strongly urge members to vote no on passage of H.R. 3121.

Respectfully,

AMERICAN INSURANCE ASSOCIATION.
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES.
PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA.
THE FINANCIAL SERVICES ROUNDTABLE.

REINSURANCE ASSOCIATION OF AMERICA,
Washington, DC, July 25, 2007.

Chairman BARNEY FRANK,
Ranking Member SPENCER BACHUS,
House Financial Services Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: The Reinsurance Association of America (RAA) strongly opposes the inclusion of the Multiple Peril Insurance Act of 2007 to the flood insurance reform bill (H.R. 3121). The legislation would unnecessarily expand the scope of the National Flood Insurance Program (NFIP) to offer windstorm coverage that is currently being provided by private sector insurers, reinsurers, capital market participants and residual market programs.

The RAA, headquartered in Washington, D.C., is a non-profit trade association of property and casualty reinsurers and reinsurance intermediaries. RAA underwriting members and their affiliates write more than two-thirds of the gross reinsurance coverage provided by U.S. professional reinsurance companies.

A ROBUST PRIVATE MARKET FOR WIND COVERAGE ALREADY EXISTS

This legislation fundamentally alters who bears the risk of loss from wind. Instead of spreading this risk throughout the worldwide private insurance marketplace, this legislation puts the entire burden of deficits on the U.S. taxpayer. This fundamental shift is unnecessary. There is adequate wind capacity being provided by direct insurers and/or state residual markets. Moreover, there is a very robust global private reinsurance

market for wind to help insurance companies manage their risk of loss. Over $35 billion of new capital has entered the private reinsurance capital markets to cover wind risk since Hurricane Katrina. RAA questions why Congress would want to shift the risk of loss to the U.S. taxpayers, rather than spreading this risk throughout the private insurance marketplace.

FEDERAL TAXPAYERS WILL SUBSIDIZE COASTAL INSURED'S

The RAA also has serious concerns that the NFIP will recklessly attract policyholders into buying wind coverage by suppressing the federal insurance rates. This has occurred in most state property insurance residual markets, which are under intense political pressure to maintain rates that are not sufficient to pay losses. Suppressing rates and loosening underwriting standards only places the U.S. taxpayer at further risk and encourages more development in high-risk areas.

THE NFIP IS NOT EQUIPPED TO OFFER WIND INSURANCE

The underwriting and pricing of flood and wind risk are fundamentally different. The Federal government has no institutional knowledge in these areas and it would be a daunting undertaking for them to develop such technical expertise. In addition to updating flood maps, FEMA would also have to develop wind maps for the entire United States. These tasks will only result in the creation of greater federal bureaucracy.

ALL STATE AND FEDERAL DISASTER INSURANCE PROGRAMS OPERATE AT AN EXPECTED LOSS

The NFIP is already $17 billion in the red. What if the NFIP had borne the wind loss associated with the 2004 and 2005 storms? The private marketplace paid $16.5 billion of wind insured losses in 2004 and over $60 billion of insured losses for the 2005 season. If this legislation were in place when these storms hit, the U.S. taxpayer would be paying greater deficits for these losses, rather than the private global insurance and reinsurance marketplace.

We urge you to oppose the inclusion of the Multiple Peril Insurance Act into H.R 3121 and support the Rep. Brown-Waite, Feeney and Putnam amendment to have the GAO conduct a study of this issue.

Sincerely,

FRANKLIN W. NUTTER,
President.

Mr. TAYLOR. Mr. Chairman, I very much appreciate the gentlewoman's remarks. I would like to mention to the gentlewoman, and add for the RECORD, the support for this bill, including the wind language, from the National Association of Realtors, National Association of Homebuilders, National Association of Bankers.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, September 26, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1.3 million members of the National Association of REALTORS® (NAR), I ask for your vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, when it is considered by the House of Representatives on Thursday, September 27.

The National Flood Insurance Program (NFIP) offers essential flood loss protection to homeowners and commercial property owners in more than 20,000 communities nationwide. The bill, as written, will help protect homeowners, renters and commercial property owners from losses sustained from flooding. NAR strongly supports the following changes to the NFIP contained in the bill including:

Extending the NFIP for five years;

Ensuring that the 100-year flood maps are updated as expeditiously as possible;

Increasing coverage limits to $335,000 for residential and $670,000 for commercial properties;

Supporting education of tenants about the availability of flood insurance while providing flexibility to property owners and managers in the manner of providing such notice;

Adding coverage for living expenses, business interruption, and basement improvements;

Extending the pilot program for mitigation of severe repetitive loss properties; and

Studying the impacts of eliminating subsidies on homeowners, renters and local economies.

It is critical that flood insurance remain accessible for all individuals who own or rent property in a floodplain. I urge you to vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, on Thursday.

Sincerely,

PAT V. COMBS,
2007 President,
National Association of Realtors.®

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, September 26, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express our support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007 as amended by the Manager's Amendment, which includes much-needed technical improvements to the underlying bill.

As you know, Hurricanes Katrina, Rita and Wilma radically disrupted the lives of those living on the Gulf Coast. After the storms' passing, many homeowners found themselves in dispute with their property insurance companies over whether water or wind was the primary cause of damage to their homes. After much debate, one proposed solution which has emerged to address this conflict is to expand the authority of the National Flood Insurance Program (NFIP) to include wind coverage.

NAHB is pleased that the bill incorporates new language to provide wind insurance coverage for home owners. H.R. 3121, as amended by the Manager's Amendment, would provide a needed addition in expanding the availability and affordability of property insurance in high hazard areas. Additionally, it references the mitigation requirements of consensus-based building codes as a measure to lessen the potential damage caused by a natural disaster and thus further ensure the financial stability of the NFIP.

NAHB remains concerned about the overall solvency of the NFIP, but we also view this program as not simply about flood insurance premiums and payouts. The NFIP is a comprehensive tool to guide the development of growing communities while simultaneously balancing the need for reasonable protection of life and property. The specific method Congress uses to achieve this balance could potentially impact housing affordability as well as the control local communities have over their growth and development. NAHB believes that H.R. 3121 strikes the proper balance in protecting the NFIP's long-term financial stability while ensuring that federally-backed flood insurance remains available and affordable.

As this new NFIP expansion moves forward, NAHB encourages Congress to limit the amount of the program's fiscal exposure to ensure its financial sustainability and to require premiums for the new multi-peril coverage to be risk-based and actuarially sound. NAHB commends the work of the House Financial Services Committee in crafting legislation to preserve and enhance this important federal program, and we urge your support for H.R. 3121, as amended by the Manager's Amendment, when it comes to the House floor this week.

Thank you for your attention to our views.

Sincerely,

JOSEPH M. STANTON.

SEPTEMBER 26, 2007.

To: Members of the U.S. House of Representatives.

From: Floyd Stoner, Executive Director, Congressional Relations & Public Policy, ABA.

Re: Support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

I am writing on behalf of the members of the American Bankers Association (ABA) to express our support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, scheduled to be considered by the full House later this week.

Since 1968, nearly 20,000 communities across the United States and its territories have participated in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities.

Losses from three large hurricanes (Katrina, Rita, and Wilma) in 2005 have left the NFIP more than $23 billion in debt to the Treasury. There is no way that the NFIP can reasonably repay this debt and provide payment for future losses under the current rate structure. The likelihood of additional flood events and resulting claims against the program make reforms vital.

This legislation would require the Federal Emergency Management Agency (FEMA) to update the flood maps, and it would provide a phase-in of actuarial rates for commercial properties and non-primary residences. ABA supports these efforts as being necessary to sustain the program over the long term.

H.R. 3121 also would increase the penalties for non-compliance in placing flood insurance, from $350 per violation to $2000 per violation. We are pleased that the legislation would provide a ''safe harbor'' for an institution which is in non-compliance due to circumstances beyond its control (such as outdated mapping by FEMA). We also are pleased that the legislation would provide institutions with an opportunity to correct non-compliance before a penalty is assessed and place a reasonable limit for total penalties per institution/per year.

We urge you to support this important legislation.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

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

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. TAYLOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110–351.

Mr. TAYLOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TAYLOR:

At the end of the bill, add the following new section:

SEC. 30. REQUIREMENTS RELATING TO WINDSTORM AND FLOOD.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

''(d) REQUIREMENTS FOR WRITE-YOUR-OWN INSURERS RELATING TO WINDSTORM AND FLOOD.—The Director may not utilize the facilities or services of any insurance company or other insurer to offer flood insurance coverage under this title unless such company or insurer enters into a written agreement with the Director that provides as follows:

''(1) PROHIBITION ON EXCLUSION OF WIND DAMAGE COVERAGE.—The agreement shall prohibit the company or insurer from including, in any policy provided by the company or insurer for homeowners' insurance coverage or coverage for damage from windstorms, any provision that excludes coverage for wind or other damage solely because flooding also contributed to damage to the insured property.

''(2) FIDUCIARY RESPONSIBILITY.—The agreement shall provide that the company or insurer—

''(A) has a fiduciary duty with respect to the Federal taxpayers;

''(B) in selling and servicing policies for flood insurance coverage under this title and adjusting claims under such coverage, will act in the best interests the national flood insurance program rather than in the interests of the company or insurer; and

''(C) will provide written guidance to each insurance agent and claims adjuster for the company or insurer setting forth the terms of the agreement pursuant to subparagraphs (A) and (B).''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR. Mr. Chairman, in the course of today's debate, a lot of Members are learning a lot about insurance that they kind of wish they didn't know. Unfortunately, a lot of folks in my district learned a lot in the wake of that storm that they wish they knew.

As I have told you before, the United States Navy has modeled Hurricane Katrina. According to the United States Navy, there were four to five hours of hurricane force winds that hit south Mississippi before the water ever got there. Now, that is a fact from the United States Navy.

We have a policy under the National Write Your Own Program where we as a Nation allow the private sector to sell that policy, even though we back it. That is not a problem. It cuts down on administrative costs. We also have a line in that contract, though, with those private firms that says you will do a fair adjustment of the claim.

Think about it. I can't think of any other person that can send a bill to the Federal Government, up to $250,000, plus another $100,000 for contents, and no one ever questions it. And yet we gave the insurance industry this incredible responsibility, and I can tell you, they misused it. But it says there has to be a fair adjustment. That is the law.

Unfortunately, in the policies that they wrote for people, that were multiple pages thick, buried in that policy is something called ''concurrent causation,'' which says, in effect, that after those four to five hours of hurricane force winds hit south Mississippi, if on a residence there's a single two-by-four left standing, the roof is gone, the windows have been blown in, the curtains are gone, the house is gone, if there's one two-by-four left standing, then there is a concurrent causation of wind and water, and they don't have to pay. It's in their policies.

Under oath there have been insurance agents who admitted they didn't even know it was in the policy. If the insurance agents didn't know, do you think an individual has a chance?

There is an extremely influential Senator on the other end of the building, a law degree from the University of Mississippi; he didn't know it was in there. Federal Judge Lou Garrolla, a Federal judge, he didn't know it was in there. If an extremely influential U.S. Senator, if a Federal judge doesn't know, what chance does a corrugated box salesman have? What chance does a shrimper have, a housewife, a school teacher?

The fact of the matter is that's wrong. The taxpayers ended up paying the bill that the insurance company should have paid because they stuck it to the taxpayers through the flood insurance policy every time.

This amendment would tell the insurance companies that if they want to do business with our Nation through the Federal flood insurance program, that they can no longer have a concurrent causation clause in their contract because it's completely contrary to the contract they have with our Nation that says it's going to be a fair adjustment of the claim.

If after 4 hours of hurricane force winds the house is almost gone, but there's one board left, and a wave comes along and knocks that last board down, under their rules, the taxpayers pay. Under what is fair and right, they ought to pay for what the wind did and let the taxpayers pay for what the water did.

We recognize there's a problem, we are addressing that problem, and only a shill for the insurance industry can turn around and say that this is right. If you really are concerned about the Treasury, then you ought to be concerned about the Treasury being ripped off by insurance companies by letting their agents be the sole determining factor of who's going to pay and sticking our Nation with the bill. This is an opportunity to close that loophole and to right an egregious wrong.

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

The Acting CHAIRMAN. Does any Member claim the time in opposition?

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR. I yield the remainder of my time to the chairman of the committee.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 1 minute.

Mr. FRANK of Massachusetts. Mr. Chairman, this is actually a very conciliatory amendment by the gentleman from Mississippi because previously, and I know the gentleman has left the floor, he's been here very diligently, I don't mean anything critical, but the gentleman from Georgia (Mr. KINGSTON) said why don't we try to make the private companies live up to their responsibilities and stop them from walking away.

This amendment is the first chance we get to do that, because what this amendment does is not extend Federal coverage, but try to hold those companies which are voluntarily participating with the Federal Government to a reasonable standard with regard to their own coverage. So this is a chance to hold the private companies to their social responsibility.

Mr. TAYLOR. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. COSTELLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110–351.

Mr. COSTELLO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. COSTELLO:

Subsection (k) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by redesignating paragraph (8) as paragraph (9).

Subsection (k) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by inserting after paragraph (7) the following new paragraph:

''(8) USE OF MAPS FOR RATES.—The Director shall not adjust the chargeable premium rate for flood insurance under this title based on an updated national flood insurance program rate map or require the purchase of flood insurance for a property not subject to such a requirement of purchase prior to the updating of such national flood insurance program rate map until an updated national flood insurance program rate map is completed for the entire district of the Corps of Engineers affected by the map, as determined by the district engineer for such district.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, I yield myself as much time as I may consume.

I thank the Rules Committee for making this amendment in order and thank Chairman FRANK as well. My amendment is a commonsense, simple amendment that will bring fairness to FEMA's remapping process. If my amendment is adopted, FEMA would not be able to adjust premium rates or require the purchase of flood insurance until all remapping has been completed for an entire district of the Corps of Engineers affected by the remapping.

Under the current system, one geographic area of a floodplain or watershed can be updated, while another geographic area of the same floodplain or watershed may not be remapped for a few years.

If you look at the St. Louis area, preliminary maps will be available for review in December of this year for the Illinois side of the Mississippi River, but will not be available for the Missouri side of the river for two to three years. The remapping process should not be stopped, but remapping should be implemented for the entire floodplain or watershed together, as opposed to the current piecemeal approach.

Mr. Chairman, I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. Does anyone seek time in opposition to this amendment?

The Chair recognizes the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to my friend from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Chairman, I want to commend my colleague, Congressman COSTELLO, for his great work. It is a pretty simple premise that if we are going to do the FEMA floodplain analysis, it ought to be in a watershed. As he so aptly put, when floods come across rivers, they will flow across banks on both sides. So as we have to address how to do the compensation, it only makes sense that they do it that way.

So I appreciate him bringing this forward, and I appreciate Chairman FRANK's effort in this aspect.

Mr. COSTELLO. Mr. Chairman, I urge adoption of my amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110–351.

Mr. GENE GREEN of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. GENE GREEN of Texas:

At the end of section 22 of the bill, add the following new subsection:

(e) PHASE-IN OF FLOOD INSURANCE PREMIUMS FOR LOW-COST PROPERTIES.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (c), by inserting ''and subsection (g)'' before the first comma; and

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

''(g) 5-YEAR PHASE-IN OF PREMIUMS FOR NEWLY COVERED LOW-COST PROPERTIES.—

''(1) IN GENERAL.—In the case of any area not previously designated as an area having special flood hazards that becomes designated as such an area as a result of remapping pursuant to section 1360(k), during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any low-cost property that is located within such area shall be—

''(A) for the first year of such 5-year period, 20 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

''(B) for the second year of such 5-year period, 40 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

''(C) for the third year of such 5-year period, 60 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

''(D) for the fourth year of such 5-year period, 80 percent of the chargeable risk premium rate otherwise applicable under this title to the property; and

''(E) for the fifth year of such 5-year period, 100 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(2) LOW-COST PROPERTY.—For purposes of this subsection, the term ''low-cost property'' means a single-family dwelling, or a dwelling unit in a residential structure containing more than one dwelling unit, that—

''(A) is the principal residence of the owner or renter occupying the dwelling or unit; and

''(B) has a value, at the time of the initial designation of the area having special flood hazards, that does not exceed 75 percent of median home value for the State in which the property is located.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in strong support of H.R. 3121, the Flood Insurance Reform and Modernization Act, that will help bring national flood insurance programs into the 21st century. I particularly want to thank the chairman of the committee, BARNEY FRANK, as well as the sponsor of the bill and subcommittee Chair MAXINE WATERS for her hard work in bringing this bipartisan bill to the floor today.

Mr. Chairman, in June of 2001, Texas and other States witnessed damage wrought by Tropical Storm Allison after it swept through Texas and up the east coast causing substantial flood damage to thousands of my constituents, along with everyone else, both homes and businesses.

The good news was that some of these losses were protected by the National Flood Insurance Program. The bad news was that many of my constituents who needed flood insurance could not afford to purchase the policy. We all know that the flood insurance program plays a critical role in lessening the impact of major flooding disasters; but to make the program more effective, we need greater participation from Americans of all incomes.

H.R. 3121 requires FEMA to conduct a survey to review the Nation's flood maps. Inevitably, these updates will identify undesignated homes as being located in flood-prone areas. For many low-income families, such designation of their homes means having to purchase flood insurance that is either unaffordable or difficult to immediately budget for on modest means. Our amendment seeks to bridge that insurance gap between those who can afford a flood policy and those who cannot, and still be able to expand the people paying into the system.

The amendment is simple: it would provide a limited 5-year phase-in of flood insurance premiums for low-income homeowners or renters whose primary residence is placed within the floodplain through an updating of the flood insurance program maps. These homes can be valued at no more than 75 percent of the median home value for the State in which the property is located.

This amendment would make the National Flood Insurance Program more affordable for low-income homeowners, increase participation in the program and decrease the likelihood of an a taxpayer bailout in the event of a flood. I believe the amendment will bring security and peace of mind to many hardworking families who don't live in mansions, but live in their basic homes and that need help in obtaining protection that their homes deserve.

Mr. Chairman, I urge support for the amendment.

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

The Acting CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. I yield to the Chair of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to thank the gentleman for taking this up. I want to stress what we are doing.

People have said, well, you are giving people breaks. No. The amendment that the gentleman from California (Mr. CARDOZA) offered earlier and this one deal with people who having lived somewhere, now will find themselves in a floodplain not because they moved, but because the designation is different.

This does not exempt them from having to pay the insurance. It does in certain cases, the gentleman from California's case. And this one that has to do with remapping, new maps or updating maps, it allows them to phase in. The result will be more people paying in and more people living in a floodplain who will be having to pay flood insurance. The remapping means there will be more restrictions on future building there.

I did want to stress that we did not in this bill and not in any of the amendments give any reductions to people already covered. But we have said, again, where people did not move in but found themselves where they had previously been living now included in the zone, we give people some leeway in the phasing in of the policy charge.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GENE GREEN).

The amendment was agreed to.

□ 1530

AMENDMENT NO. 11 OFFERED BY MR. BERRY

The Acting CHAIRMAN (Mr. GENE GREEN of Texas). It is now in order to consider amendment No. 11 printed in part B of House Report 110–351.

Mr. BERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. BERRY:

At the end of the bill add the following new section:

SEC. ___. NOTATIONS ON FLOOD INSURANCE RATE MAPS FOR AREAS PROTECTED AGAINST 100-YEAR AND 500-YEAR FLOODS BY CERTIFIED FLOOD CONTROL STRUCTURE.

The National Flood Insurance Act of 1968 is amended by inserting after section 1361A (42 U.S.C. 4102a) the following new section:

"SEC. 1362. NOTATIONS ON FLOOD INSURANCE RATE MAPS FOR AREAS PROTECTED AGAINST 100-YEAR AND 500-YEAR FLOODS BY CERTIFIED FLOOD CONTROL STRUCTURE.

''(a) 100-YEAR FLOODPLAIN.—The Director may publish, through the publication of a national flood insurance program rate map, a note to designate areas protected against at least the 100-year flood by a certified flood control structure which shall read as follows: 'NOTE: This area is shown as being protected from at least the 1-percent-annual-chance flood hazard by levee, dike, or other structure. Overtopping or failure of any flood control structure is possible. Property owners are encouraged to evaluate their flood risk, based on full and accurate information, and to consider flood insurance coverage as appropriate.'.

''(b) 500-YEAR FLOODPLAIN.—The Director may publish, through the issuance of a national flood insurance program rate map, a note to designate areas protected against at least the 500-year flood by a certified flood control structure which shall read as follows: 'NOTE: This area is shown as being protected from at least the 0.2-percent-annual-chance flood hazard by levee, dike, or other structure. Overtopping or failure of any flood control structure is possible. Property owners are encouraged to evaluate their flood risk, based on full and accurate information, and to consider flood insurance coverage as appropriate.'.

''(c) EFFECT OF NOTES.—The publication of a note under subsection (a) or (b) shall not be considered a requirement of participation in the national flood insurance program.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Arkansas (Mr. BERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. BERRY. Mr. Chairman, first of all, I want to thank the distinguished chairman of the Committee on Financial Services for his magnificent leadership on this issue of modernizing and reforming FEMA's flood insurance program.

I rise to offer this amendment along with my colleagues, Mrs. EMERSON and Mr. HULSHOF from Missouri, Mr. COSTELLO and Mr. HARE of Illinois, and Mr. ROSS of Arkansas.

This amendment addresses concerns that we have heard from property owners, local governments, small businesses, Realtors, lenders, and others regarding FEMA's flood maps and the uncertainty they have caused in our local communities. The arbitrary and technically deficient blanket warning note that FEMA currently uses has caused confusion as to whether or not some areas are in a floodplain or not, whether flood insurance is needed or not. This has placed an unnecessary burden on property owners and threatens economic development in some of the most impoverished areas of the Nation.

This amendment dramatically improves FEMA's current policy, requiring any note placed on flood maps to more fully and accurately inform the property owners about the protection value of their levees. This amendment will continue the objective of educating property owners and reminding them of the importance of honestly assessing their risk, reminding them that they may consider optional purchase of flood insurance, even if they are not in a special flood hazard area.

I believe this is a reasonable amendment which maintains the important objectives of providing accurate information about the safety of the levees, encouraging honest assessments of flood risks, while eliminating the uncertainty that FEMA has created. I urge my colleagues to adopt this amendment.

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

Mrs. EMERSON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri is recognized for 5 minutes.

There was no objection.

Mrs. EMERSON. Mr. Chairman, I want to thank the gentleman from Arkansas (Mr. BERRY) for his leadership, and my colleagues on the Financial Services Committee for their efforts to improve the National Flood Insurance Program.

The Berry amendment is a commonsense approach towards both increased risk awareness and sound decision-making. The lack of preparedness on the Federal, State and local level exposed by Hurricane Katrina certainly suggests a real lack of awareness of the risks posed by living in the shadow of levees. Appropriately, this amendment recognizes the important role that Congress and the administration must play in increasing risk awareness.

However, I would be negligent if I did not relay my concern regarding the direction in which I sense the National Flood Insurance Program is drifting. The decision to participate in the National Flood Insurance Program should be entered into deliberately and after careful consideration, not, and I stress ''not,'' based on blanket warnings from FEMA.

As a Nation, taxpayers have contributed billions to build up our levee and flood protection systems. At the same time, our local communities have taken on the added burden of meeting local cost-share requirements. These substantial investments were based in part on the savings from removing the need to purchase flood insurance.

Mandatory requirements to purchase flood insurance should be carefully studied. Blanket, one-size-fits-all warnings from an organization, even an organization like FEMA, should be entered into only after thoughtful consideration and ample review.

In my view, the Berry amendment would bring these principles to bear on at least one bureaucratic decision, and I urge its adoption.

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

Mr. BERRY. Mr. Chairman, I yield 2 minutes to my colleague from south Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I thank Mr. BERRY for offering this amendment. It is a bipartisan amendment. It is what I would call a commonsense amendment.

I don't have to tell you, Mr. Chairman, that the Federal Emergency Management Agency, they need help in trying to figure this program out. This is the same Federal agency that has 8,000 brand new, fully furnished mobile homes sitting in a cow pasture in Hope, Arkansas several years after Hurricane Katrina, mobile homes that never got to the victims. And when we had a tornado on the Mississippi River in

Dumas, Arkansas, it took FEMA 3 weeks to figure out how to move 30 of them 2½ hours down the road, and now FEMA is trying to wreak havoc on our National Flood Insurance Program.

The gentlewoman from Missouri is absolutely correct; it seems to me what FEMA is trying to do here is pay for their flood insurance program by forcing people to buy insurance who they know are never going to have a claim. This is a step in the right direction in trying to provide a commonsense fix to another mess that has been created by FEMA, and I am pleased to stand here with my colleagues from Arkansas and Missouri in support of it.

Mrs. EMERSON. Mr. Chairman, I yield 2 minutes to the gentleman from central Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I appreciate my colleague from the Show Me State for yielding, and I rise in support of the Berry-Ross-Hare-Emerson-Hulshof-Costello amendment.

We have tasked the Federal Emergency Management Agency with educating the public of the flood risks to their homes and businesses. I think we agree and support their continued efforts in the education campaign so long as it is done based upon the best modeling and sound science available.

But I do not support FEMA pushing homeowners into purchasing flood insurance when they don't need it. This is exactly what FEMA seems to be doing with the zone X shaded floodplain note. Zone X shaded is the area behind a certified 100-year or 500-year levee but still within the 100-year floodplain. Within these zones, FEMA attaches a note, the purpose of which I believe seems to intimidate homeowners into purchasing flood insurance through a very strongly worded suggestion.

Now, if you talk to FEMA, they will tell you those notes don't require individuals to purchase flood insurance; and I guess I can say my beautiful wife, Renee, doesn't require me to buy an anniversary present, but there are some things that just seem to be understood.

Of particular concern, as has been expressed, is that when you have certain lenders or others who see this warning, this stark warning, that they may in fact require homeowners when in fact the law does not.

Again, I acknowledge what my colleague and friend from Cape Giradeau has said. I am for floor insurance. It should be, for instance, mandatory in special flood hazard areas. But we have areas in this country where tremendous resources have been used to create a very adequate flood protection system. Mrs. EMERSON's district is one of those, systems that are constructed and maintained and certified by the Federal Government.

So individuals that live behind these certified levees, whether they have been constructed by the Federal Government or constructed under the supervision of the Federal Government, they pay their due, they pay Federal taxes, and often they have participated in the levee districts themselves. I think this is a commonsense amendment, and I am proud to support it.

Mr. BERRY. Mr. Chairman, I appreciate very much the bipartisan way this amendment has been developed and I think it demonstrates that we can work together on both sides of the aisle to do commonsense things.

It is unfortunate that we have been put in the position by a Federal agency because of severe mismanagement to where we have to become involved in such matters. But I thank everyone for their approach to this, and particularly thank the committee.

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

Mrs. EMERSON. Mr. Chairman, I too want to thank Mr. BERRY and the other sponsors, thank the committee chairman and ranking member, and hope that everyone will be in support of this very commonsense amendment. There is no excuse for FEMA putting at risk the economic development up and down the Mississippi River or around any other area that is protected by a 100-year or 500-year levee, and that would happen if we do not take this action.

Mr. COSTELLO. Mr. Chairman, I am offering an amendment with my colleagues that would replace the current note FEMA uses which does not distinguish levees according to their structural integrity or protection value and replaces it with one that is more accurate to clarify the protection level of flood control structures and the legal requirements of flood Insurance coverage.

I strongly believe all property owners should be properly educated about their flood risks and encouraged to assess their need for flood insurance. However, no local governments, lenders, and the general public should have uncertainty with regard to flood risks and whether there is a requirement to participate in the Federal flood insurance program.

Alexander County in my Congressional district and other areas throughout the State of Illinois will be affected by these "warning labels" and this amendment ensures that we are being clear in our intent.

This amendment is important to my district and to the Nation and has bipartisan support.

I urge my colleagues to support this amendment.

Mrs. EMERSON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. BERRY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIRMAN (Mr. ROSS). It is now in order to consider amendment No. 12 printed in part B of House Report 110–351.

Mr. WALZ of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. WALZ of Minnesota:

Subsection (k)(2)(A)(ii) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by striking ''and''.

Subsection (k)(2)(A)(iii) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by striking the final period and inserting ''; and''.

Subsection (k)(2)(A) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by adding at the end the following new clause:

''(iv) the 100-year floodplain, including any area that would be in the 100-year floodplain if not protected by a levee, dam, or other man-made structure.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I thank the chairman of the committee and the ranking member for offering this incredibly important piece of legislation modernizing the National Flood Insurance Program.

On the evening of August 18 into the morning of August 19, devastating storms swept across the Midwest. Seven of the 22 counties in my congressional district are now Federal disaster areas as up to 18 inches of rain fell in a 24-hour period. Seven individuals in my district lost their lives, and countless others were injured. Thousands of homes were destroyed. Millions of dollars in damage to roads and bridges which were washed away literally overnight.

Subsequently, many Minnesotans found out how quickly they needed to become experts in the National Flood Insurance Program, so I congratulate the committee for taking up this legislation.

One of the improvements that you are hearing about is the improvements to the mapping of the 100-year and 500-year floodplains.

What my amendment does, we are getting the 500-year floodplains, and they are dealing with areas that could be flooded if a levee or dam fails. But they do not require FEMA at this time to map areas in the 100-year floodplain that, if not for a flood-control measure other than a dam or levee, could flood, and my amendment simply asks for those areas to be mapped.

When a flood-control measure fails, it is obvious that it is catastrophic. Whether it be a flood wall or a levee in New Orleans, or as we found out in Minnesota, a culvert in St. Charles, Minnesota, or a storm sewer in Hokah, Minnesota, the impact is devastating.

This amendment is very simple. It adds one sentence to this bill requiring FEMA to map ''areas in the 100-year floodplain, including any area that would be in the floodplain if not protected by a dam, levee, or other man-made structure.''

This does not put any new requirements on residents living in those

areas, or put any additional burden on residents who live near dams or levees. The amendment simply requires FEMA to make information available about the risk of flooding that might occur if a flood control measure other than a dam or levee would fail. Some of the structures we are talking about: culverts, storm sewers, certain bridges and certain elevated rural roadways.

The recent floods in Minnesota showed the need for communities to have a comprehensive information plan on the risks that they face. This amendment would help do exactly that, and I urge my colleagues to adopt this small change that could make a big difference in how people adjust to the circumstances based on the potential of flooding.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. STARK

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 110–351.

Mr. STARK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STARK:

In the matter proposed to be inserted by the amendment made by section 23 of the bill, in section 1363(a)(2), strike ''and'' at the end.

In the matter proposed to be inserted by the amendment made by section 23 of the bill, in section 1363(a)(3), strike the period at the end and insert ''; and''.

In the matter proposed to be inserted by the amendment made by section 23 of the bill, after paragraph (3) of section 1363(a) insert the following new paragraph:

''(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

''(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

''(B) the process under this section to appeal a flood elevation determination; and

''(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.''.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from California (Mr. STARK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment. The gentleman from Indiana (Mr. BURTON) and I are offering this jointly. Very quickly, it makes it mandatory for FEMA to send a first-class mail notification to affected property owners under the flood insurance sections.

The notification that they send must include an explanation of the appeal process and contact information for responsible officials with whom they should deal.

□ 1545

It's needed because ordinary citizens don't read the Federal Register, and often the announcements are printed in the legal page of newspapers. The first that my constituents have heard about this is from the mortgage lender who tells them they have got 45 days to buy insurance, and they are then precluded from an appeals process, which if they find out at least 90 days beforehand, they have a right to utilize a community appeals process which is far less cumbersome and expensive.

I can only suggest in support of the amendment that my good friend Chairman FRANK at one point stated when BURTON and STARK get together, you may not like the amendment, but you should save one of the puppies. It is a bill that I think will help make this process simpler for all of our constituents, and I urge the adoption.

Mr. BURTON of Indiana. Mr. Chairman, I rise in strong support of the Stark-Burton amendment to H.R. 3121 the ''Flood Insurance Reform and Modernization Act of 2007.'' This amendment is nearly identical to an amendment we offered last year which passed this House unanimously. I want to thank my colleague from California, Mr. STARK for once again cosponsoring this amendment. I would also like to thank Chairman FRANK and Ranking Member BACHUS for including parts of our original amendment in this years legislation which will ensure that FEMA notifications of elevation changes are published in the Federal Register, published in the most widely circulated local newspapers and provided to the chief executive officer of each affected community by certified mail.

Unfortunately, while extending notifications of changes in flood elevations to newspapers and local officials is helpful, H.R. 3121 misses the bull's eye by ignoring the most important part of the Burton/Stark amendment from last year; namely the requirement that FEMA provide written notification by first class mail to each property owner affected by a proposed change in flood elevations. Last year in my district we had about 300 or 400 people who had no idea that FEMA was redrawing the flood map in their area until they suddenly received notice from their insurance companies and mortgage lenders saying that they now lived in a flood plain and they needed to spend an extra thousand or $2,000 a year for flood insurance. There hadn't been a flood in that area of Johnson County, Indiana for over 100 years. In fact, no one had ever heard of having a flood in this area.

Once these flood maps have been finalized the only way to remove a property from the flood plan is to file an individual appeal complete with extensive survey work paid for entirely at the property owner's expense. The process is expensive and time-consuming and homeowners must still buy and retain flood insurance throughout the process. However, if homeowners can find out while the maps are still preliminary, they have time to utilize an automatic 90-day appeal process to have the remaps reevaluated, and potentially remove blocks of homes from the flood plain, at little to no expense to the owners.

What the Stark-Burton amendment does is very simple:

Requires FEMA to provide written notification by first-class mail to each property owner affected by a proposed change in flood elevations;

Requires the notifications be sent after the preliminary maps are released but before the required 90-day appeal period; and,

Requires the notification include an explanation of the appeal process and contact information for responsible officials.

Mail notices to each property owner affected by projected flood elevation remapping would be a simple and effective way to notify residents of changes. Such a process is direct and ensures that all affected parties are able to take full advantage of FEMA's community appeals process. The cost to the Federal Government of these mail notifications would be small compared to the millions of dollars homeowners would otherwise have to pay in last-minute flood insurance or to challenge FEMA's flood elevation determinations.

As Chairman FRANK said last year when we debated this issue, and my colleague Mr. STARK just said so briefly and eloquently, anytime a conservative from Indiana and liberal from California can come together on an issue it is truly bipartisan. In fact this is a nonpartisan issue that affects nearly everyone in the 20,000 communities nationwide that participate in the National Flood Insurance Program. To ensure that all property owners are fully aware of any changes in flood plain area maps, and consequently their property values, is simply the right and fair thing to do. I urge my colleagues to support the Stark/Burton amendment to H.R. 3121.

Mr. STARK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. STARK).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment on which further proceedings were postponed.

AMENDMENT NO. 7 OFFERED BY MR. TAYLOR

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 268, noes 143, not voting 26, as follows:

[Roll No. 919]

AYES—268

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Franks (AZ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Melancon
Mica
Michaud
Miller (FL)
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
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
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)
Weller
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—143

Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—26

Bachus
Carson
Christensen
Conyers
Cubin
Davis, Jo Ann
Doyle
Everett
Faleomavaega
Fortuño
Herger
Hinojosa
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Lewis (CA)
Meek (FL)
Meeks (NY)
Moran (KS)
Norton
Perlmutter
Reichert

□ 1613

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

Ms. GINNY BROWN-WAITE of Florida and Mr. BONNER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, pursuant to House Resolution 683, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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 MRS. BACHMANN

Mrs. BACHMANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. In its current form, I am.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill H.R. 3121 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, in subsection (c)(1), strike ''paragraph (8)'' and insert ''paragraphs (8) and (9)''.

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, redesignate paragraphs (8) and (9) of subsection (c) as paragraphs (9) and (10), respectively.

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, after paragraph (7) of subsection (c), insert the following new paragraph:

''(8) DHS CERTIFICATION REQUIREMENTS FOR COVERAGE AVAILABILITY.—

''(A) REQUIREMENT.—The Director may not make any multiperil coverage available under this subsection unless the Secretary of Homeland Security, in consultation with Comptroller General of the United States and the Director of the Congressional Budget Office, has certified to the Congress that—

''(i) the national flood insurance program is actuarially sound;

''(ii) chargeable premium rates for flood insurance coverage under such program will not be increased as a result of the implementation of the program under this subsection for multiperil coverage; and

''(iii) if the program under this subsection for multiple peril coverage is implemented, it will be operated in an actuarially sound manner.

''(B) DETERMINATION.—The Director shall make a determination of whether the national flood insurance program meets the conditions specified in clauses (i) and (ii) of subparagraph (A) not later than the expiration of the 6-month period beginning on the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007.

''(C) ACTUARIALLY SOUND.—For purposes of this paragraph, the term 'actuarially sound' means, with respect to the national flood insurance program that premiums under such program are priced according to risk, or by such standards and methods as a generally accepted by the actuary industry, incorporating up-to-date modeling technology,

and taking into consideration administrative expenses, including potential debt service, in the case of a deficit.''.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, today, over 5 million Americans rely on the National Flood Insurance Program to protect their homes and businesses in the event of a flood.

But since January of last year, there have been over 77 declared disasters involving flooding. And just this August, in our home State of southeastern Minnesota, we experienced severe flooding that caused distress to over 1,500 homes.

According to FEMA, and according to the Minnesota Homeland Security and the Emergency Management, the Federal Government has disbursed at this point nearly $31 million in Federal recovery funds to over 4,200 people. And currently, there are over 8,000 people, specifically, there are 8,434 national flood insurance policies in effect in my home State of Minnesota.

But, unfortunately, as floods continue to occur across our great Nation, the National Flood Insurance Program is in trouble. It's not good news. It's bad news. And the program today, unfortunately, is $18 billion in debt. That's today, as it stands, and it's required to pay that debt back with interest over time. This debt will be paid back with the premiums that are charged to those families who are relying on this flood insurance program.

The base bill that's before us is a good one because it attempts to help solve some of the fiscal problems today that are facing the National Flood Insurance Program. We agree with that, Mr. Speaker.

But, yet, there is one provision in this bill that has the potential to undo the very positive reform that is before us, and that is to send the flood insurance program into even further fiscal disarray and result in premium increases for homeowners all across America, something that no one in this body would want to do.

The proposal, Mr. Speaker, that's included in this bill is to expand the National Flood Insurance Program by creating a brand-new insurance program for wind damage. That's something that has never existed before, and it's akin to a homeowner who, upon discovering that his foundation is rotting, decides to ignore that problem and instead adds a second story on to that rotting house. And he shouldn't be surprised then when the whole house collapses around him.

I have a very simple amendment, Mr. Speaker, and it says this: it does not strike the brand-new wind insurance program. What it does is this: it stipulates that before the program can go into effect, three things have to occur. This is something that we can all agree on:

Number one, there has to be a certification that the existing National Flood Insurance Program, in fact, is actuarially sound, and this certification would provide all of us with the assurance that this program is correctly pricing its policies and has adequate reserves on hand to handle large flood events. We've seen that there's been a problem with this in some of the State reserve accounts.

Today, right now, both the Government Accountability Office and the Congressional Budget Office have reported that the National Flood Insurance Program is likely to not be actuarially sound.

Second, there has to be a certification that premiums for people in the existing flood insurance program will not be increased to subsidize this brand-new insurance program. People all over America are wondering if that's going to happen to them as well as the insurance companies.

And then third, of this simple amendment, it says there has to be a certification that the new wind insurance program will, itself, be fiscally sound. Who can argue with that?

So, Mr. Speaker, the 8,434 people of the State of Minnesota and the 5 million Americans who today rely on our National Flood Insurance Program, they need to serve as a lifeline in the event of a major storm, that they would not have that program in endangered, that their premiums would not, in fact, be increased in order to help create, in fact, this new expansion of an expansion of a wind program.

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

The SPEAKER pro tempore. Does the gentleman from Massachusetts continue to reserve his point of order?

Mr. FRANK of Massachusetts. No, Mr. Speaker, I do not press the point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Is the gentleman from Massachusetts opposed to the motion?

Mr. FRANK of Massachusetts. I am opposed to the motion. I would press, instead, a point of logic, more appropriate here.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. And the logic is this: we have a proposal that came forward, brought forward by the gentleman from Mississippi to add a program to the National Flood Insurance Program that says that if you have national water insurance, you can, at your option, add wind insurance. Remember, no new insured are eligible here. You have to have water and then you can get wind.

The argument that the gentleman from Mississippi has made irrefutably on this House floor is that you simply cannot, days after a storm has damaged, try to sort out what was wind and what was water.

Now, unlike the flood program, the gentlewoman from Minnesota is right, the flood program is in deep debt. We inherited, from our Republican colleagues, a flood insurance program that is hurting. They had control of that program, House, Senate and President; and it went into debt.

As the gentlewoman says, we have a bill, and we had it last year in the House too, but not in the Senate, that makes it better. Everyone agrees that our bill, everyone who has read it agrees that our bill reduces the financial problems with flood, but it doesn't wipe them out. There's a large problem there. Billions of dollars.

Here's the illogic. The gentleman from Mississippi has put forward a proposal for optional wind insurance which will have to be actuarially sound. When the flood insurance program was passed, there was no PAYGO. Flood insurance is hurting. They're supposed to be actuarially sound, but it's very loose.

We have written into this bill, with regard to wind, requirements that it be actuarially sound, that it break even for the Federal Government, that the Congressional Budget Office certifies as perfectly good. So there is no argument possible that the wind program will add to the danger. CBO has certified that it is sound. So we have a new wind program that will be actuarially sound; CBO certifies that. And the bill says that if the program starts to run into a deficit, it cuts off. Automatic.

We then have the water program, which the Republicans left us as their inheritance, which is deeply in debt. They are saying that the fiscally sound wind program that's in this bill, certified by CBO, cannot go into effect until we've solved the problem they left us in the water program. They are saying that. They don't have anything to say bad about the wind program. They're saying that you can't do the wind program until you've solved the water problem. And the water problem is billions.

How would you solve it?

Well, you'd substantially raise people's premiums.

I should note, Mr. Speaker, that no one on the Republican side has proposed to try to make it actuarially sound. We are trying to get in that direction. But no one on the Republican side thinks it's reasonable to immediately wipe out that huge debt.

They don't like the wind program. They don't want to take it on head on, so they have come up with this scheme which says, the fiscally sound, CBO-certified, actuarially-legitimate wind program can't go forward until we clean up the $19 billion problem they left us in the flood program. I do not think that is very logical.

The gentleman from Mississippi, as I said, made the case for the wind program. So this becomes a case for the wind program.

Here's the deal: you're told to leave your house because a hurricane's coming. You come back a few days later and there's devastation, and you have to figure out what was caused by wind

and what was caused by water because if you have a wind policy from a private company, they will argue, in many cases, that water caused all the damage, and you are very hard pressed to find it out.

If you then, instead, have a combined wind and water policy from the Federal Government, you then don't have to go through this metaphysical exercise. You simply get the payment for your damages.

Now, that's the logical point that the gentleman from Mississippi put forward. And it is going to be, as CBO said, break even for the Federal Government.

So here's the recommit: the Federal Government cannot go to the aid of people facing that dilemma of trying to decide wind versus water, which has been certified as fiscally neutral by CBO, until we solve the problem that we got in the water issue.

It really is not a logical thing to do. It is simply a way to try to kill the wind program. A more straightforward way would have been to simply kill the wind program. I'm sorry they didn't get an amendment to do that. But they could have done that straightforwardly in the recommit.

So I hope that Members will vote ''no.'' The only issue here is should we initiate a voluntary program whereby people who have Federal water insurance can also get wind insurance in a manner that is certified by CBO to add nothing to the deficit, to do nothing to hurt the Federal flood insurance program, but to be actuarially sound.

I hope the motion is defeated.

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.

RECORDED VOTE

Mrs. BACHMANN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 179, noes 232, not voting 21, as follows:

[Roll No. 920]

AYES—179

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

NOES—232

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

NOT VOTING—21

Bachus
Carson
Conyers
Cubin
Davis, Jo Ann
Doyle
Everett
Hastert
Herger
Hinojosa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Markey
Moran (KS)
Moran (VA)
Perlmutter
Reichert

□ 1646

Messrs. SPACE, HODES, and FERGUSON changed their vote from ''aye'' to ''no.''

Mr. TOM DAVIS of Virginia changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 263, nays 146, not voting 23, as follows:

[Roll No. 921]

YEAS—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Drake
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson

Filner
Forbes
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—146

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bono
Boozman
Broun (GA)
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Higgins
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—23

Bachus
Carson
Conyers
Cubin
Davis, Jo Ann
Dingell
Doyle
Everett
Green, Al
Hastert
Herger
Hinojosa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Marshall
Moran (KS)
Moran (VA)
Perlmutter
Reichert

□ 1655

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. REICHERT. Mr. Speaker, on September 27, 2007, I missed three rollcall votes. I was unavoidably detained at a medical appointment. Had I been present, I would have voted "no" on rollcall No. 919, "yes" on rollcall No. 920 and "no" on rollcall No. 921, final passage of HR 3121, the Flood Insurance Reform and Modernization Act.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3121, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert into the RECORD extraneous material on the bill to be considered.

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

There was no objection.

SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 682 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. 3567.

□ 1656

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. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes, with Mr. KIND 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.

Mr. Chairman, venture capital is the life blood of our Nation's small businesses. Venture capital not only serves as the raw material for economic growth and job creation, but also acts as fuel for the pursuit of new ideas and innovation. Without it, businesses cannot expand, and even the best ideas wither and die in what has come to be known as the ''Valley of Death'' between setup and commercialization. Clearly, our Nation's 26 million entrepreneurs depend upon this resource, and yet despite its obvious importance, venture capital remains elusive to the vast majority of small businesses.

The Small Business Investment Expansion Act of 2007 is a bipartisan effort introduced by Mr. ALTMIRE and Mr. GRAVES. This legislation signifies our commitment to helping small businesses receive the venture capital that is vital to economic growth, innovation and job creation; and I rise in support of this bill.

Perhaps no Federal agency is better positioned to meet the challenges of small business investment than the Small Business Administration. Since 1958, the SBA's investment programs have helped hundreds of small businesses and have contributed to the success of several of our Nation's notable companies, including Apple Computer, Federal Express, Staples, and Costco. Unfortunately, the SBA's programs have suffered the effects of mismanagement, flat funding and neglect in recent years. By the SBA's own estimates, the total unmet need for early-stage equity financing for small businesses is approximately $60 billion each year. Additionally, it has been identified that the greatest equity capital financing need of small businesses is financing in the amount of $250,000 to $5 million.

While new investment strategies possess the potential to make a significant

impact on unmet capital needs of startup businesses, they have not been fully leveraged for the benefit of our Nation's entrepreneurs. The new market's venture capital program has also not achieved its full potential. And perhaps most notably, unreasonable and outdated policies are still in use, and they restrict the free flow of venture capital and other forms of investment to small firms.

□ 1700

This policy has had an obvious impact on the ability of new businesses to access venture capital. Over the past 5 years, there has been a steady shift of venture capital away from newly formed businesses toward later-stage businesses. In 2002, the SBA licensed 41 new SBIC funds, more than half of which focus on investment in early-stage businesses. By contrast, in 2006, the SBA licensed only 10 new SBIC funds, none of which were for investment in early-stage businesses.

The Small Business Investment Expansion Act of 2007 represents an important step toward revitalizing SBA's investment mission. This legislation features a renewed focus on providing equity capital to startup firms and businesses in low-income areas, two key sectors of the small business community that have continued to face particularly high barriers to securing venture capital. The bill will also establish a new Angel Investment Program to fill the gap in seed capital that was created by the elimination of the participating securities program.

H.R. 3567 touches on all aspects of the SBA's investment mission, including the SBA's surety bonding program. This bill will provide much-needed updates to this program and will introduce initiatives aimed at increasing the number of businesses and bonding companies that participate in the program. Our small businesses have always been the incubators of innovation, and investment has been the fuel for this great engine of American economic development. As we continue to rely on entrepreneurs to spur economic growth and create jobs, the need for venture capital will only continue to grow. This legislation ensures that small businesses will have the resources they need to remain competitive and successful while ensuring that SBA's programs are the premier source for small business capital.

For these reasons, H.R. 3567 has the support of the National Venture Capital Association, the Value Technology Industry Organization, the Surety and Fidelity Association of America and the American Insurance Association.

Mr. Chairman, I strongly urge my colleagues to vote for the Small Business Expansion Act of 2007, and I reserve the balance of my time.

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

Mr. Chairman, today I rise in support of H.R. 3567, the Small Business Investment Expansion Act of 2007. Risk-taking and entrepreneurship have been part of the American fabric since this country's founding, whether it was emigres from France founding a munitions company in the early years that would later become DuPont or an immigrant peddler who would go on to create Lazarus stores in my district, Cincinnati, now Macy's, or two Dayton, Ohio bicycle mechanics who invented the airplane. The rise of America is replete with stories of entrepreneurs taking risks to change the economy and ultimately the world.

Recent history continues that trend. The most powerful computer software company in the world, Microsoft, was created by two college dropouts working out of a Seattle garage. Steven Jobs was tinkering in his garage when he developed the computer that would lead to the creation of the Apple. Fred Smith created Federal Express based on a paper written for an undergraduate class at Yale. All of these entrepreneurs succeeded because they had an idea and were able to raise the money they needed to perfect and market that idea.

Yet, America has changed. Investors, venture capitalists, hedge funds, and private equity firms use sophisticated global investment strategies to maximize their returns. The budding entrepreneur with a great idea today might get lost in the search by investors for a company with a significant business history and record of returns. To maintain America as the leader of innovative entrepreneurial firms, we must ensure economic and fiscal policy that provides capital to entrepreneurs.

There is little doubt that efforts of Congress, when Republicans controlled it, to adopt tax policies that spurred investment and growth provided significant incentives to invest in businesses. That is why I would very much like to see those tax policies ultimately made permanent, so we don't go back and raise taxes. But the Committee on Small Business has heard that the market does not provide adequate equity funding to the smallest of startup businesses, including those that will become the next Dell Computer, Nike, Outback Steakhouse or Callaway Golf Clubs. H.R. 3567 takes, in my view, a balanced approach to ensure that these new businesses have access to capital. It balances the need for limited Federal funding with fiscal restraint and protects the Federal taxpayers.

Now, during the markup of this bill, I did voice strong objections to title V as it was introduced. There are five titles in this particular piece of legislation. Since markup of the legislation, however, to the credit of the gentlewoman from New York, Nydia Velazquez, we worked together and we negotiated in good faith and reached a bipartisan agreement to address the concerns that we voiced. I believe that the compromise that we reached adequately addresses my concern. I want to again compliment the chairwoman for her leadership in that effort. It eliminates some of the more egregious decisions of the SBA concerning venture capital investment in small businesses while maintaining the integrity of the Federal procurement process for small business by preventing conglomerations of venture-owned firms to bid as small businesses.

Mr. Chairman, in closing, I would again like to thank the chairwoman for working in a bipartisan manner on this bill. I would also like to thank her staff, particularly Michael Day and Adam Minehardt, for their work on this important piece of legislation. I also want to thank Barry and Kevin Fitzpatrick for their help, as well, on this bill.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE). He is the chairman of the Small Business Subcommittee on Investigations and Oversight and the leading sponsor of this bill.

Mr. ALTMIRE. Mr. Chairman, I thank the chairwoman, Ms. VELÁZQUEZ, for her assistance in putting together the Small Business Investment Expansion Act. I appreciate the opportunity I have had to work with Mr. CHABOT and Mr. GRAVES, to work with both of them to produce a bipartisan bill that will benefit small businesses across this country. Their input was invaluable, and I thank each of them for their leadership.

I represent a district that extends north of Pittsburgh which is home to world-class universities. Western Pennsylvania has thousands of small business innovators who are doing cutting-edge research and development in the life sciences. Western Pennsylvania's entrepreneurs have created numerous success stories; however, many of these companies did not become success stories overnight. Each of them had their challenges. Unfortunately, thousands of small businesses are formed each year that are unable to take that next step and overcome the capital expenses necessary to keep their businesses afloat during the early going.

Part of the problem resides within the Small Business Administration's investment programs. The current Small Business Investment Act was written in 1958 and simply did not envision the type of capital environment that exists today in the 21st century. This antiquated law has led to inefficiencies in the SBA that contribute to an annual shortfall of $60 billion in unmet capital needs for American small businesses. Small businesses often require an infusion of private investment to purchase additional assets, such as equipment, office space and personnel. But the private investment can be difficult to acquire.

To address the substantial unmet capital needs of small businesses in western Pennsylvania and across the country, I introduced the bill we are

debating today, the Small Business Investment Expansion act. My bill will improve the environment for small businesses by expanding access to two vital sources of investment: venture capital and angel investments. Not only do small businesses require investment capital, they also require support that will allow them to do research and development. Current regulations prohibit a number of these small firms from qualifying for support offered through Federal initiatives due to their venture ownership. With this legislation, we can create a fix that reflects the reality of today's climate, that there are many small companies entering into industries that depend on this type of investment as their primary financing option.

Small businesses are the backbone of our economy. It is critical that the Federal Government do more to connect these small firms with the capital investment required for them to succeed. This bill modernizes the SBA's investment programs and creates an environment that facilitates the flow of capital to small businesses. This bill will create jobs, grow the economy, and help thousands of entrepreneurs grow from startups into thriving small businesses.

Mr. Chairman, for that reason, I strongly support this bill. I encourage my colleagues to vote for it.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Chairman, I rise to express my support for the Small Businesses Investment Expansion Act and to commend my colleague from Pennsylvania for his leadership on this issue. In particular, I appreciate his work to include a provision that modernizes the definition of a small business.

In today's economy, there are many small companies entering high technology, capital-intensive industries that require significant investment to bring their products to market. I have seen this firsthand in my home State of Pennsylvania, which is a national leader in biotechnology initiatives. The biosciences have had a significant economic impact on Pennsylvania's economy with more than 125 biopharmaceutical companies and 2,000 bioscience-related companies calling the Commonwealth of Pennsylvania their home. These companies are developing groundbreaking therapy, devices, diagnostics and vaccines that really will treat once-untreatable diseases and debilitating conditions, providing hope for millions of people.

But developing new cures is not cheap. It often takes 10 years or more and costs hundreds of millions of dollars to bring a new treatment to market. This means that new bioscience companies can experience years of large cash outlays before they have the opportunity to cover their costs and repay their loans, let alone realize any profit.

As the author of a comprehensive proposal, the American Life Sciences Competitiveness Act, I have identified a number of actions that this Congress can and I hope will take to improve access to capital for this life-saving research and product development.

I am pleased to lend my support to this bill before us today that would correct the outdated SBA regulations that currently preclude these small businesses, even those with only a handful of employees, from receiving assistance because they rely on venture capital to fund their work. It is time to enable these American small businesses, which are such a vital part of our Nation's economic growth, to compete for Federal grants and other small business assistance so they may pursue cutting-edge technologies and products that will benefit us all.

Mr. CHABOT. I yield 4 minutes to the gentleman from Missouri (Mr. GRAVES) who has been one of the two principal sponsors of this important legislation.

Mr. GRAVES. Mr. Chairman, I first would like to thank Ranking Member CHABOT and Chairwoman VELÁZQUEZ for moving forward with this bill.

Mr. Chairman, this bill is critically important to small businesses. I am glad I could be a part of this very important process. Small businesses are the backbone of our economy. Access to capital is essential to their survival and growth. I want to thank you for your support and thank them for their support on these provisions.

I also want to note the bipartisan nature of how the Small Business Investment Expansion Act passed through committee and is here before us on the House floor. Some initial concerns were brought up over the legislation. I am pleased to report that those concerns have been resolved due to the open and transparent manner in which this bill is being considered.

Lastly, I would like to thank the staffs of Chairwoman VELÁZQUEZ and Ranking Member CHABOT for all their hard work on this issue. This bill has been a work in progress for roughly 3 years. I appreciate all the work that they have done on my behalf. This is a very important issue to me, my constituents, and small businesses everywhere. I am very glad to see it before the House today.

The Small Business Investment Expansion Act improves small business access to capital. Whether it is from the Small Business Administration, SBA, or through private investment, capital helps small companies bring their products to market and succeed. With an economy dependent on the success of small companies and firms, it is essential to pass this legislation.

I want to speak to title V of this bill for a brief moment. The language included in this title deals with the SBA affiliation rules and has been an issue of utmost importance to my constituents and to me over the past few years. Private investment in small business is a good thing and should be encouraged, not discouraged. The language will exclude the employees of these private investors when determining the size of a small business, thus allowing them continued access to important programs under the SBA.

□ 1715

This is important because many small firms and capital intensive fields rely on private investment to continue the very promising research and development that has attracted such development. The SBA has a number of programs that have proven vital to the success of small businesses and want to ensure our small businesses have continued access to them.

American innovation is what drives this country and its economy, and as Members of Congress we need to create an environment that will keep American innovation at the forefront of the global market. As a member of the Small Business Committee, I work to advocate on behalf of small businesses. The passage of this bill is a tremendous help to the competitiveness of those small firms, which is why I support its passage.

Again, I would like to thank the chairwoman and ranking member.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to say to the gentleman, Mr. GRAVES, thank you so much for the work that you have done with the committee to work in a bipartisan manner to address the issues that are important to small businesses in this country. Your input and collaboration in putting together this legislation is greatly appreciated.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentlewoman and also want to lend my support to this fine piece of legislation. I also thank the gentleman from Ohio (Mr. CHABOT). This is something that many areas of our country need. Those areas that once thrived in the Industrial Age and are trying to recreate their economy need the kind of early capital that this bill is going to put into these small firms.

The gentleman from Pennsylvania who was here earlier, Mr. ALTMIRE, and I are trying to create a Technology Belt between Cleveland, Akron, Youngstown, and Pittsburgh. We have many early startup companies that need the venture capital that they are going to be able to access, in particular in the New Market Venture Capital Program, which will allow low-income areas to expand the reach for more capital to go in there, also the office of Angel Investment, where we have public-private partnerships so that those early startup companies will have that early capital that they need. Tax cuts for the top 1 percent don't get to these businesses. We need that early capital in order to grow them

In Ohio, for example, we have a company in Cleveland called BioEnterprise.

Over the past 5 years they have brought in over $500 million in venture capital, 80 percent of it from outside of the State of Ohio. They employ 20,000 people in northeast Ohio. The hardest thing for them to do is to get that early venture capital. That's what this bill does.

So I want to thank the gentlewoman, I want to thank the gentleman from Ohio and also the gentleman from Pennsylvania for putting this together. We are giving life and hope and opportunity to those areas of the country that are trying to retool their economy. This is going to allow us to do this, whether it's medical device technology, any kind of medical technology that may be coming up, advanced manufacturing. These are the kinds of programs that we need.

So I want to thank everyone again for putting so much effort into this bill and being so thoughtful. These are the kinds of things that are going to help us create a strong, vibrant economy in the United States and in the industrial Midwest.

Mr. CHABOT. Mr. Chairman, I continue to reserve my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY) for the purpose of entering into a colloquy.

Ms. WOOLSEY. Mr. Chairman, I rise today to engage in a colloquy with the chairwoman. I thank her for agreeing to do this with me.

Madam Chairman, there has been a concern expressed from some voices in the small business community that title V of this bill will open up small business Federal contracts to be taken advantage of by large corporations and venture capital firms. If this is true, it's obviously a concern, because it would directly cut against the intent of this bill.

Can the chairwoman please explain to me the protections in this bill that she believes will prevent large corporations and venture capital firm from abusing the intent of the bill?

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman from California for bringing up these concerns. The Small Business Committee is a champion of small business and, as such, has strong protections built into this bill to prevent large corporations and venture capital firms from unfairly benefiting from Federal small business contracts.

You will be pleased to know that eligible VCs cannot have more than 500 employees, they cannot be controlled by a large corporation, and they must be based in the United States. In addition, an amendment by Mr. CHABOT has been made in order under the rule that will even further strengthen these protections by adding a requirement that no VC can own more than 50 percent of any eligible small business.

I am confident that these provisions will protect the intent of this bill and prevent large corporations or venture capital firms from taking advantage of these programs.

Ms. WOOLSEY. I thank the gentlewoman. There seem to be adequate protections in this bill to ensure small businesses are the ones getting these contracts and that they aren't unfairly influenced by large capital firms.

Again, I thank the Chair for engaging in this colloquy with me.

Ms. VELÁZQUEZ. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I would like to express my support of this bill and congratulate the Chair for her great work.

Mr. Chairman, there's a lot of great news in this bill: updating the definition of small business for today's realities, taking care of small companies that are entering into high-technology capital-intensive industries. Many of these small companies are based in my home State of Washington. There's over 200 biotechnology and medical device companies. They are developing cures for debilitating diseases; they are improving the Nation's biodefense system.

Mr. Chairman, 44 percent of these companies have been formed just in the last 5 years, and they obviously rely heavily on venture capital. Unfortunately, there's some outdated SBA regulations that currently preclude small businesses, even though with a handful of employees, from receiving assistance simply because they rely on venture capital funds for their R&D.

I want to thank the chairwoman for including as a solution to this a provision that will correct this unwise discrimination that is now going on against small businesses that are so dependent on venture capital funding. Today, these companies will again be able to compete for grants and receive other small business assistance because of a provision in this bill. I have been working on a legislative solution for quite a while, so I am very happy to see this fixed today.

We are happy to see the American Dream is going to be helped by this bill. I want to thank the chairwoman again. I look forward to future success.

Mr. CHABOT. Mr. Chairman, I have no further speakers.

I just want to again thank the chairwoman for her cooperation in drafting what is essentially, I believe, a very good bill, which will improve small business' ability to have access to capital all across the country.

Without further ado, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I just would like to take this opportunity to thank the staff that worked on this bill. From Mr. ALTMIRE's office, Cara Toman; from Mr. GRAVES' office, Paul Sass; and from the minority staff, Barry Pineless. From the majority, I would like to thank Adam Minehardt and Andy Jiminez.

Mr. Chairman, I strongly urge my colleagues to vote for the Small Business Investment Expansion Act of 2007.

Mr. LOEBSACK. Mr. Chairman, I rise today in strong support of the Small Business Investment Expansion Act.

Today's small business owners are leaders in job creation and economic development not only in Iowa, but across the country. Small businesses create 80 percent of new jobs in the United States, and they make up 97 percent of United States exporters. They are truly the backbone of our Nation's economy.

Many of Iowa's communities are built upon the strength of small businesses, and ensuring that entrepreneurs have the resources and tools their businesses need to thrive is critical to their success.

Yet access to capital is an increasingly common concern for new business owners. The Small Business Investment Expansion Act takes vital steps to reverse this trend. By increasing access to loans, capital, and Angel investors, this bill ensures that the Small Business Administration is an effective partner for our Nation's small businesses.

It overhauls the Small Business Investment Company and the New Markets Venture Capital program to improve the efficiency of their resources for fledging enterprises. The Small Business Investment Expansion Act also creates a new Angel Investment program to provide seed financing to new businesses through public-private partnership. Through these changes, as well as renewed investments in under-served areas, this bill will provide small businesses with critically needed support.

Small business owners are leaders in their communities, and innovative support programs are essential tools that help them to flourish. In my district, the Economic Development Center was established to help small businesses grow and succeed not only in Iowa's Second District, but across the State. To date, the EDC has assisted over 300 entrepreneurs; raised over $6 million in capital for its businesses; and helped to generate over $30 million for the region through the success of its businesses. In turn, EDC businesses created over 200 new jobs.

I am a proud advocate of the Economic Development Center, and I believe that the Small Business Investment Expansion Act will help organizations such as the EDC to be even more effective partners with Iowa's—and our country's—small businesses.

Mr. HONDA. Mr. Chairman, I rise to express my support for H.R. 3567, the Small Business Investment Expansion Act. In particular, Title V of the Small Business Investment Expansion Act modernizes the definition of a small business so that it reflects current reality. In today's economy, there are many small companies entering high technology, capital-intensive industries that receive venture capital investment.

Many of these small companies are based in my home State of California. California is one of the most innovative States in the country, with the San Francisco Bay area as the birthplace of the biotechnology industry. From 2000 to 2003, California biotech companies developed 32 breakthrough drugs, and over 600 new therapies are currently in the research and development pipeline. Private investment is the lifeblood of the biotechnology industry, and venture capital investment in life sciences typically outpaces investment in any other industry. This venture capital investment

allows small biotechnology companies to pursue breakthrough technologies—from developing cures for debilitating diseases to creating alternative energy sources.

Also concentrated in my Silicon Valley district, the burgeoning nanotechnology industry has been predicted to be a $1 trillion market by the year 2017. Many of these small, innovative nanotech companies rely on venture capital investments to support their heavy costs of startup and basic research and development. In 2005, the Blue Ribbon Task Force on Nanotechnology that I commissioned to advise me on ways to promote the development and sustainability of the nanotechnology industry recommended expanding Small Business Innovation Research eligibility in the same way as Title V of H.R. 3567.

Unfortunately, the outdated U.S. Small Business Administration regulations currently prevent small businesses from receiving assistance if they rely on venture capital to fund their R&D. Often some of the most important breakthroughs these companies make are a result of the riskier work they do, which only federal funding for small business research can enable. H.R. 3567 will correct this unwise discrimination against small businesses that receive venture capital funding so that these companies will again be able to compete for grants and receive other small business assistance.

By making this important change to the SBA regulations, the House will be moving forward on another piece of our Innovation Agenda and helping to keep America a leader in the global marketplace. I thank my colleague Mr. ALTMIRE for introducing this bill; Chairwoman VELÁZQUEZ and Ranking Member CHABOT for moving it through their committee; and Majority Leader HOYER and Speaker PELOSI for bringing this bill to the floor. I urge my colleagues to vote in favor of H.R. 3567.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 3567 the Small Business Investment Expansion Act.

Much of the economic success that we enjoy as a Nation is the result of innovation and development by America's small business community. Almost half of Americans working in the private sector are employed by small businesses. They are responsible for over 45 percent of our national payroll and have created 60 to 80 percent of new jobs over the last 10 years.

Since it was created in 1953, the Small Business Administration, SBA, has played an essential role in maintaining and strengthening the Nation's economy by aiding, assisting and protecting the interests of America's small businesses. However, there is an expanding gap between the assistance that the SBA's programs are able to provide and the capital needs of small businesses.

The legislation before us today will help to close this gap by expanding and improving two of the SBA's most successful programs, the Small Business Investment Company and the New Markets Capital Program. As a public-private partnership the Small Business Investment Company program stimulates and supplements the flow of private equity capital and long term loan funds for the sound financing, growth, expansion and modernization of small business operations. This program was able to leverage more than $21 billion to 2,000 small businesses in the last year alone; however more could be done to improve access to this program. This legislation will expand access for early-stage and capital-intensive small businesses by simplifying how maximum leverage caps are calculated and revising the limitation on aggregate investments. H.R. 3567 will also expand access to the New Markets Venture Capital program that provides entrepreneurial expertise and equity capital to small businesses in low-income regions. This legislation not only expands the programs but provides incentives for investors to invest in small manufacturing companies.

Additionally, H.R. 3567 will create a new office within the SBA to help start-up of companies find investors to support them in their early stages of growth, the Office of Angel vestment. This legislation will focus on three main initiatives: providing angel groups with matching financing leverage, create a federal directory of angel investors, and funding for awareness and educational programs about angel Investment opportunities.

Small businesses make up the engine that drives our economy. The legislation before us today will give small businesses the tools that they need to succeed. I therefore encourage my colleagues to support this legislation.

Mr. MANZULLO. Mr. Chairman, I rise in reluctant opposition to the Small Business Investment Expansion Act of 2007, H.R. 3567. The non-partisan Congressional Budget Office, CBO, estimates that this bill will cost $102 million over the next 5 years. Thus far this year, the CBO estimates that the Democrat-controlled House Small Business Committee has authorized $5.9 billion in new spending over the next 5 years—$1.55 billion in fiscal year 2008 alone. To put this massive spending increase in perspective, the Fiscal Year 2008 Financial Services Appropriations bill, H.R. 2829, provides $582 million in total spending on the SBA in FY 08.

In the past, legislation dealing with programs in the Small Business Investment Act operated under the assumption that the bill should not cost the taxpayer any new money. I am proud that the Republican-led Congress took the Small Business Investment Company, SBIC, program to "zero-subsidy," funded solely by user-fees, first with the debenture program in 1996 and then the participating securities program in 2001. I regret that because of the downturn in the markets earlier this decade, the participating securities component of the SBIC program, which targeted equity investments in early stage small businesses, has become essentially insolvent and defunct since 2005. During the 109th Congress, I tried numerous ways in my capacity as chairman of the House Small Business Committee, to thread the needle to reopen the participating securities program while still keeping it at "zero subsidy." However, H.R. 3567 abandons fiscal restraint by creating yet another new program to promote equity investments in early stage small businesses.

First, CBO estimates that the creation of the Angel Investment Program in Title III of H.R. 3567 will cost $57 million over the next 5 years. While there is a provision that requires an angel group repay any investment it receives, the repayment comes solely out of any profit the group receives. But what if the angel group makes no money? Then the taxpayer is left holding the bag. This is a departure from the regular SBIC program where upfront fees are also charged, in addition to retaining a share of the profits, to help offset the cost of the program.

The bill creates yet another new office and more bureaucracy at the Small Business Administration, SBA, to promote angel investments in early stage small firms. It also spends $1 million to create a Federal angel network to collect and maintain information on local and regional angel investors that is readily available over the Internet, e.g., www.bandofangels.com. H.R. 3567 also spends $1.5 million to create yet another grant program to increase awareness and education about angel investing, heaping potentially yet another mission upon the already stretched Small Business Development Center, SBDC, program. Earlier this year, the House passed three SBDC-related bills that created nine new programs for them to implement.

Last year, I held a hearing on the Small Business Committee to listen to the leading experts on the angel movement. At the time, the committee debated similar angel legislation, H.R. 4565, offered by Democrats to what is on the floor today. All the witnesses except the one called by the Democrats testified that because of the decentralized and informality of angels, a tax credit modeled after what exists in many states is far more preferable to creating yet another office and program at the SBA to promote angel investments. This is what the leading experts in the angel movement said about the ideas contained in H.R. 4565, which is now Title III of H.R. 3567, at the May 10, 2006, Small Business Committee hearing:

Dr. Ian Sobieski, founder and managing director of the Band of Angels: "I would be wary of any kind of government interaction with angel groups because of the danger of perturbing a natural market process that is still good for it. The tax credit changes the environment in which capital decisions are being made . . . The danger in . . . data collection is the implied authority by which it is collected. If the Federal Government gets involved in collecting data (on angels) that has the imprimatur of the United States Government, that speaks with great weight."

Susan Preston of Davis, Wright Tremaine LLP: ". . . the vast majority of investments by angels are done by individuals, not members of angel groups. These are highly independent autonomous anonymous individuals that don't want their name in databases and aren't interested, for the most part, in joining groups."

I simply don't understand why this Democratic-led Congress ignores the advice of angel experts to direct the SBA to provide capital to extremely wealthy individuals to support investments they probably would make anyway. I'm also surprised that this Democratic-led Congress, which routinely criticizes the SBA for its alleged incompetence, would add another yet another mission to its responsibilities. That's why I was proud to join Representative EARL POMEROY of North Dakota in reintroducing the alternative to this government-run approach—the Access to Capital for Entrepreneurs, ACE, Act of 2007, H.R. 578—to keep decisions on angel investments at the individual and local level.

Second, I also have concerns about Title II of H.R. 3567 that dramatically expands the New Markets Venture Capital, NMVC, program and opens up the Federal Government to more exposure. The CBO estimates that Title II raises the subsidy or exposure rate to 17 percent and will cost the taxpayer $11 million over the next 5 years. The mission of the

NMVC is to promote venture capital investments in economically distressed communities in both urban and rural America. However, I believe the NMVC program is already a triplicate of two other programs that already exists—the regular SBIC program and the Rural Business Investment, RBIC, program at the U.S. Department of Agriculture, USDA. Of the 2,299 U.S. small businesses that received SBIC financing in fiscal year 2005, 23 percent were located in Low- and Moderate-Income (LMI) areas of the country. Those LMI-district companies received $543 million or 19 percent of the total $2.9 billion invested by SBICs in FY 2005. Also, 30 percent of SBIC investments were made in small U.S. manufacturers. For the period FY 2001 through FY 2005, SBIC investments in small manufacturing companies totaled $4.3 billion. In addition, the USDA runs the RBIC program in cooperation with the SBA to promote equity investments in rural areas. Thus, I see no need expand a program to help small businesses that are already being assisted by two other government programs.

Third, I object to reinstating taxpayer funding for the surety bond program. This program is important to help small businesses, primarily small construction firms, win federal government contracts by offering a bond to guarantee that the work will be completed. To cover the costs of those guarantees, fees are paid to the SBA by both the contractor receiving the guarantee and the surety or insurance company that issues the bond for the contractor's performance. In fiscal year 2006, the SBA provided guarantees under the surety bond program for about 5,000 small businesses and collected about $7 million in fees. Section 405 of H.R. 3567 eliminates fees that are currently charged to contractors and sureties. That's why the CBO estimates Section 405 will cost the taxpayer over the next 5 years.

Mr. Chairman, there is no need to do this. During my tenure as chairman of the Small Business Committee, I never heard from a small business complaining about fees charged in the surety bond program. This could develop into a problem for the Federal Government when small businesses, which have no financial stake in their surety bond and thus have nothing at risk if they default, do not complete the contract. I predict that there will be more broken contracts and uncompleted work. Section 405 also sets a precedent to do away with the ''zero'' subsidy policy in other SBA programs, such as in the 7(a) loan guarantee program.

But the most egregious provision in H.R. 3567 is the revamping of small business size standards in Title V. This provision allows companies not independently-owned and operated but controlled by venture capital, VC, investors to still be considered as a small business in the eyes of the Federal Government. Title V will allow large businesses and universities that establish a VC to potentially game the system to benefit from not just various SBA technology programs but every other SBA loan and procurement assistance program. It could even complicate the Regulatory Flexibility Act, which requires Federal agencies to take into account the interests of small businesses during the development of new regulations. When I was chairman of the Small Business Committee, I was proud of the bipartisan support I received in eliminating big businesses from participating in various federal small business programs. This led the SBA to finally clamp down on this abuse and issue new regulations and policies to do away with this practice. However, I fear that many of my colleagues have not fully thought through the implications of this provision. Title V would undo all the bipartisan work done on this issue over the past five years.

In particular, I spent a lot of time and effort trying to solve the specific problem of the eligibility of some small businesses with venture capital investments to participate in the Small Business Innovative Research, SBIR, program at the National Institutes of Health, NIH. The SBIR program guarantees that at least 2.5 percent of Federal research and development, R&D, dollars must go to small businesses. After the Defense Department, the NIH is the second-largest spender of R&D funding in the Federal Government.

Title V tries to solve a problem that is grossly exaggerated. It is a myth that small businesses with VC investments are unable to participate in the SBIR program at NIH because of a misinterpretation of the law by the SBA. In an impartial Government Accountability Office, GAO, study that I requested, they discovered that 17 percent of NIH SBIR awards, accounting for 18 percent of the dollar value, went to small business with VC investments in fiscal year 2004. These small firms had no problem in complying with SBA guidelines. Nevertheless, I tried to proffer a compromise that would have established a 2-year pilot program to set-aside 0.5 percent of NIH R&D funding, over-and-above the 2.5 percent currently set-aside for small businesses, for these firms that receive a preponderance of their funding from VCs and do not own or control their company. Unfortunately, my compromise was rejected by NIH and by the biotech and VC industries. However, the solution contained in Title V is a dramatic overreach in the effort to solve this specific problem with NIH.

The amendment offered by my good friend and colleague, Representative STEVE CHABOT of Ohio, is a good step forward. It prohibits any one single VC from owning a small business that wishes to benefit from a SBA program. However, I can easily envision a situation where two VCs with common ownership but with different board of directors could game the system and still be eligible for SBA programs. Because even the largest VCs have less than 500 employees, Title V—even as changed by the Chabot amendment—would open up SBA programs to large businesses and universities.

In particular, I am concerned about the future of the SBIR program. It's important to remember that when the SBIR program was created 25 years ago, it was because of the frustration that federal research and development dollars went only to large businesses and universities. Even under current law, only 2.5 percent of all Federal R&D dollars is set-aside for small business. But Title V allows large universities that establish a VC to participate in the SBIR program. This provision will further decrease Federal R&D dollars going to independently owned and operated small high technology firms.

Mr. Chairman, I enclose for the record the Statement of Administration Policy in opposition to this bill plus two letters from the oldest small business association in America—the National Small Business Association; a letter from the nation's only association that represents small high technology firms—the Small Business Technology Council; and a letter from the world's largest business federation—the U.S. Chamber of Commerce. I urge my colleagues to heed the recommendations of the administration and these business associations by voting against H.R. 3567.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 26, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3567—SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

The Administration strongly opposes House passage of H.R. 3567.

The Administration strongly opposes the proposed ''Angel Investor'' program. The Administration does not support providing capital to high net worth individuals to support their investments. The best way to strengthen small business is through an economic framework that encourages investment at all levels through broad-based and reasonable tax rates and reduced regulatory impediments to the flow of capital. This approach will have a more significant impact than any targeted program.

The Administration also strongly opposes the proposed change to the definition of a small business for the purposes of venture capital investment. This redefinition strips the elements of independent ownership and control that identify small business ownership under current law. Not only would this change be inequitable for actual small businesses, but it would be a step backward from our recent progress in addressing the misidentification of large firms as small businesses for Federal procurement purposes. By eliminating the concept of affiliation for venture capital operating companies, the provision would allow large businesses, not-for-profit organizations, and colleges and universities to own and control small businesses and benefit from programs designed for independent small businesses. The Administration believes that the intent of this provision is to allow for reasonable, non-controlling investment in small business. Unfortunately, the current language is overly broad, and the Administration strongly opposes this provision unless it is amended to ensure that ownership and control rests positively with the entrepreneur.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, DC, September 25, 2007.

Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: The U.S. House of Representatives soon will consider H.R. 3567, the Small Business Investment Expansion Act of 2007. While supportive of most sections of H.R. 3567—believing that they provide necessary and overdue improvements to three of the Small Business Administration's investment programs—and its aim of helping small businesses acquire needed capital, the National Small Business Association (NSBA) cannot support the bill in its current form.

Reaching 150,000 small-businesses across the nation, NSBA—the country's oldest small-business advocacy organization—is a member-driven association that advocates for the best interests of the overall small-business community. Convinced that Title V of the bill will gut over half a century of laws that define a small business, NSBA urges Congress to remove Title V from the measure or defeat the entire bill.

Since the Small Business Act was passed in 1953, a small business has been defined as one that is: (1) independently owned and operated, (2) not dominant in its field, and (3) for-profit. This definition not only has controlled which companies can access federal small-business programs, it also has defined which firms are small for purposes of federal regulatory compliance across a vast areas of banking, securities, environmental, pension, and worker-safety laws.

Title V of H.R. 3567 would effectively repeal these provisions, creating a new class of business conglomerates that would be defined as small businesses despite meeting none of the existing statutory requirements.

1. The ''independently owned and operated'' statutory test? Gone.

Title V of H.R 3567 would prohibit the SBA from classifying any venture capital (VC) company as a large business as long as the VC firm had fewer than 500 employees—no matter how many ''small'' businesses the VC firm controlled. It is important to note that virtually no VC firm in the country has more than 500 employees.

Under Title V of H.R. 3567, a VC firm could create a conglomerate controlling 1000 small companies, employing 100,000 people, and generating billions in revenue, and the SBA and other federal agencies would be forced to treat each company in the conglomerate as a small business as long as it had fewer than 500 employees. Banking regulators, securities regulators, environmental regulators, and all other kinds of federal regulators that base their definition of ''small'' on Section 3 of the Small Business Act would be prohibited from considering the overall number of employees or revenue of the VC firm.

2. The ''not dominant in its field'' statutory test? Gone.

The VC conglomerates could include, for example, nearly every company capable of bidding on a government contract that had been set aside for small business. Yet the SBA and other federal contracting agencies would be forced to classify the companies in the conglomerate as ''small.'' Conceivably, the VC conglomerates also could own every single company producing a specific product, service or technology, and the federal government still could be forced to classify each of these companies as ''small'' businesses. This is an especially galling notion in the wake of years of controversy over large companies receiving government contracts intended for small businesses.

3. The ''for profit'' statutory test? Gone.

Title V of H.R. 3567 would allow universities to control unlimited numbers of small companies and still classify all such businesses as ''small.'' Yet the true owners would be non-profit universities, many of them with endowments worth hundreds of millions of dollars or more. Such a scenario would hardly help level the playing field for the majority of small businesses.

Supporters of Title V of H.R. 3567 contend that the bill prevents big businesses from controlling these venture capital firms. This mayor may not be true. It does not matter. The bill encourages the venture capital firms themselves to become big businesses—and then to claim to be small. Acting together, these conglomerates could put truly independent companies at competitive disadvantages in nearly every situation that mattered.

If Title V of H.R. 3567 passes, everything in federal law that is premised upon section 3 of the Small Business Act—including dozens of laws and hundreds of court cases—will be called into question. Thousands of pages of federal regulations will be rendered moot. Utilizing this legal vacuum, the new VC conglomerates would be empowered to abuse all manner of government regulations and programs by claiming to be small businesses.

In sum, this legislation violates a fundamental trust. It would eviscerate the very concept of a small business as Congress and the American people understand it. There would be no limits on the capital, the labor, and the financial resources that the VC conglomerates could control and still be treated as ''small businesses.'' Every law that Congress has enacted over the past half century to aid small businesses would become little more than a ''speed bump'' as a new category of big businesses raced in to seize the protections and advantages intended for small businesses.

NSBA urges Congress to strike Title V from H.R. 3567 or to defeat the bill entirely. If Title V is struck, NSBA will be pleased to support the measure.

Sincerely,

TODD O. MCCRACKEN,
President.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, DC, September 27, 2007.

Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: Today, the U.S. House of Representatives is scheduled to consider H.R 3567, the Small Business Investment Expansion Act of 2007. Convinced that it will divert money Congress intended for actual small businesses to large companies masquerading as small businesses, the National Small Business Association (NSBA) strongly urges Congress to strike Title V from the bill or defeat it. The well-intentioned amendment to be offered by Rep. Steve Chabot also does not resolve the underlying problems in Title V.

Reaching 150,000 small-businesses across the nation, NSBA is a member-driven association that advocates for the best interests of the overall small-business community. NSBA is not alone in its opposition. In fact, no small-business organization has publicly supported Title V. It is strongly supported by the venture-capital and biotechnology community, however—but isn't this supposed to be a small-business bill?

The Small Business Technology Council, a nonpartisan group that represents small technology firms, also strongly opposes Title V. In fact, in today's LA Times, its executive director, Jere Glover, the former chief counsel for the SBA Office of Advocacy in the Clinton administration, called it ''the worst piece of small business legislation I've seen in 25 years.''

The Statement of Administration Policy issued from OMB states, ''By eliminating the concept of affiliation for venture capital operating companies, the provision would allow large businesses, not-for-profit organizations, and colleges and universities to own and control small businesses and benefit from programs designed for independent small businesses.''

Title V of H.R. 3567 would prohibit the SBA from classifying any venture capital (VC) company as a large business as long as the VC firm had fewer than 500 employees—no matter how many ''small'' businesses the VC firm controlled. It is important to note that virtually no VC firm in the country has more than 500 employees.

Under Title V of H.R. 3567, a VC firm could create a conglomerate controlling 1000 small companies, employing 100,000 people, and generating billions in revenue, and the SBA and other federal agencies would be forced to treat each company in the conglomerate as a small business as long as it had fewer than 500 employees.

Are these the sorts of ''small businesses'' Congress had in mind when it passed the Small Business Act in 1953? Are they the kind of ''small businesses'' that need government investment?

NSBA urges Congress to strike—not amend—Title V of H.R. 3567 or to defeat the bill. If Title V is struck, NSBA will be pleased to support the measure.

Sincerely,

TODD O. MCCRACKEN,
President.

SEPTEMBER 25, 2007.

Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: On behalf of the Small Business Technology Council, the nation's largest nonprofit organization of small, technology-based companies in diverse fields, I urge you oppose Title 5 of H.R. 3567, and to vote against H.R. 3567 if that Title is included in the bill when it comes to a vote on the House floor soon.

Title 5 of H.R. 3567 would encourage abuse of federal government programs and protections intended for small business.

H.R. 3567 would establish a new class of business holding companies operated by groups of investors. These holding companies (or conglomerates) would be incentivized to acquire huge portfolios of small firms.

The key incentive: the federal government would have to treat these holding companies as small businesses, no matter how many businesses, employees, capital and resources they controlled. All the holding companies would have to do is have fewer than 500 employees themselves and keep each of the acquired companies below 500 employees. There would be no limit on the total number of companies and employees that the holding companies could control.

Proponents of this sweeping—and largely unexamined—change frequently state that certain SBA programs are unavailable to small firms that have venture capital backing. That is untrue.

SBA's only requirement for calling a business ''small'' is that it meet certain size standards—generally, a cap of 500 employees. But SBA counts firms that are controlled by other firms as one firm. That's what this bill would end. And once that ends, large companies could demand access to small business programs and small business regulatory treatment.

Today, large VC's and other investment companies (with more than 500 employees, including affiliates and subsidiaries) can control up to 49% of a firm that SBA classifies as ''small.'' Small investment companies and VC's (with fewer than 500 employees, including affiliates and subsidiaries), can control up to 100%.

So, despite what you may have heard, the problem is not that firms with VC backing are ''kept out'' of SBA programs. They aren't.

The real problem, from the point of view of some investment companies, is that large companies cannot masquerade as small companies for purposes of obtaining federal small business benefits.

Big business trying to access small business programs is not a new issue. It goes back decades. (Just recently, Congress has criticized SBA for letting large companies obtain federal procurement contracts intended for small companies.)

This Congress should handle the small business/big business issue with integrity, just as other Congresses have.

The only difference between H.R. 3567 and countless past efforts by big businesses to slip into small business programs is that this bill would encourage investment companies *themselves* to become big businesses, while prohibiting them from being ''controlled'' by *other* big businesses. That's certainly a twist

on the usual approach, but it ends up in the same place—with big companies pretending to be small in order to take advantage of federal benefits intended for small business.

Moreover, the term ''control by a large business'' (as it applies to these holding companies) is not defined in the bill, so even that modest difference from past attacks by large business may not amount to anything.

The worst feature of Title 5 is that it totally undermines federal efforts to lower unnecessary the regulatory burdens on small businesses. The holding companies incentivized by H.R. 3567 would begin demanding to be treated as small businesses for purposes of federal regulations, even though they are—in commonsense reality—large companies. Since many of these regulations are based on SBA's definition of what a small business is—the very definition that the holding companies propose to exempt themselves from—they would presumably have to be treated as ''small'' for purposes of these regulations—in such areas as environmental regulations, pension regulations, securities regulations, and the like. This would wreck decades of careful work by Congress and federal agencies to protect small companies. It would also cast doubt on many laws and court cases that are based on the SBA definition of small business.

SBTC therefore strongiy urges Congress to strike Title 5 from H.R. 3567. With Title 5 removed, we will support the bill. With Title 5 largely or totally intact, we will strongly oppose the bill in total.

Regards,

JERE W. GLOVER,
Executive Director,
Small Business Technology Council.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, September 27, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, has serious concerns with Title V of H.R. 3567, the ''Small Business Investment Expansion Act of 2007,'' which is expected to be considered by the House today.

Title V of H.R. 3567, if passed into law, would allow changes to the longstanding definition of small business that would permit larger business concerns to effectively control and dominate small business enterprises while at the same time allowing them to participate in small business programs. This fundamental change could undermine the public policy objectives of all of the small business resources and programs authorized by Congress to foster innovation, growth, and help to level the playing field for small businesses within the marketplace.

Title V of H.R. 3567 would allow venture capital conglomerates, colleges, and universities to have effective control and ownership of an unlimited number of small businesses while still falling under the definition of small business for the purposes of using government resources and programs meant for traditionally defined small businesses. These new enterprises would not be subject to the affiliation rules as they now apply to all existing business concerns. As a longstanding advocate for small business, the Chamber opposes creating a loophole in the law that allows the unfettered growth of a conglomerate business enterprise that will not be restricted by existing size-standards as determined by affiliation rules and still be able to avail themselves of services, resources, and programs that have been dedicated to traditional small businesses.

For these reasons, the Chamber opposes Title V of H.R. 3567. The Chamber looks forward to working with Congress to address these important concerns.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Ms. VELÁQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 3567

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 Investment Expansion 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—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Sec. 101. Simplified maximum leverage limits.
Sec. 102. Increased investments in women-owned and socially disadvantaged small businesses.
Sec. 103. Increased investments in smaller enterprises.
Sec. 104. Simplified aggregate investment limitations.

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

Sec. 201. Expansion of New Markets Venture Capital Program.
Sec. 202. Improved nationwide distribution.
Sec. 203. Increased investment in small manufacturers.
Sec. 204. Updating definition of low-income geographic area.
Sec. 205. Study on availability of equity capital.
Sec. 206. Expanding operational assistance to conditionally approved companies.
Sec. 207. Streamlined application for New Markets Venture Capital Program.
Sec. 208. Elimination of matching requirement.
Sec. 209. Simplified formula for operational assistance grants.
Sec. 210. Authorization of appropriations and dedication to small manufacturing.

TITLE III—ANGEL INVESTMENT PROGRAM

Sec. 301. Establishment of Angel Investment Program.

TITLE IV—SURETY BOND PROGRAM

Sec. 401. Study and report.
Sec. 402. Preferred Surety Bond Program.
Sec. 403. Denial of liability.
Sec. 404. Increasing the bond threshold.
Sec. 405. Fees.

TITLE V—VENTURE CAPITAL INVESTMENT STANDARDS

Sec. 501. Determining whether business concern is independently owned and operated.

TITLE VI—REGULATIONS

Sec. 601. Regulations.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

SEC. 101. SIMPLIFIED MAXIMUM LEVERAGE LIMITS.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(i) 300 percent of such company's private capital; or

''(ii) $150,000,000.

''(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000.''; and

(2) by striking paragraph (4).

SEC. 102. INCREASED INVESTMENTS IN WOMEN-OWNED AND SOCIALLY DISADVANTAGED SMALL BUSINESSES.

Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)), as amended by section 101, is further amended by adding at the end the following:

''(C) INCREASED INVESTMENTS IN WOMEN-OWNED AND SOCIALLY DISADVANTAGED SMALL BUSINESSES.—The limits provided in subparagraphs (A)(ii) and (B) shall be $175,000,000 and $250,000,000, respectively, for any company that certifies in writing that not less than 50 percent of the company's aggregate dollar amount of investments will be made in small businesses that prior to the investment are—

''(i) majority owned by one or more—

''(I) socially or economically disadvantaged individuals (as defined by Administrator);

''(II) veterans of the Armed Forces; or

''(III) current or former members of the National Guard or Reserve; or

''(ii) located in a low-income geographic area (as defined in section 351).''.

SEC. 103. INCREASED INVESTMENTS IN SMALLER ENTERPRISES.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by striking subsection (d) and inserting the following:

''(d) INCREASED INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of an application for leverage, to certify in writing that not less than 25 percent of the licensee's aggregate dollar amount of financings will be provide to smaller enterprises (as defined in section 103(12)).''.

SEC. 104. SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.

Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

''(a) If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not, without the approval of the Administration, exceed 10 percent of the sum of—

''(1) the private capital of such company; and

''(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administration at the time of the grant of the company's license.''.

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

SEC. 201. EXPANSION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business

Investment Act of 1958 (15 U.S.C. 689b) is amended by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report evaluating the success of the expansion of the New Markets Venture Capital Program under this section.

SEC. 202. IMPROVED NATIONWIDE DISTRIBUTION.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

''(f) GEOGRAPHIC EXPANSION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria and nationwide distribution under subsection (c) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Small Business Administration.''.

SEC. 203. INCREASED INVESTMENT IN SMALL MANUFACTURERS.

Section 354(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(1)) is amended—

(1) by striking ''Each'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), each''; and

(2) by adding at the end the following:

''(B) SMALL MANUFACTURER INVESTMENT CAPITAL REQUIREMENTS.—Each conditionally approved company engaged primarily in development of and investment in small manufacturers shall raise not less than $3,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who meet criteria established by the Administrator.''.

SEC. 204. UPDATING DEFINITION OF LOW-INCOME GEOGRAPHIC AREA.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraphs (2) and (3);

(2) by inserting after paragraph (1) the following:

''(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the same meaning given the term 'low-income community' in section 45D(e) of the Internal Revenue Code of 1986 (26 U.S.C. 45D(e)).''; and

(3) by redesignating paragraphs (4) through (8) as (3) through (7), respectively.

SEC. 205. STUDY ON AVAILABILITY OF EQUITY CAPITAL.

(a) STUDY REQUIRED.—Before the expiration of the 180-day period that begins on the date of the enactment of this Act, the Chief Counsel for Advocacy of the Small Business Administration shall conduct a study on the availability of equity capital in low-income urban and rural areas.

(b) REPORT.—Not later than 90 days after the completion of the study under subsection (a) the Administrator of the Small Business Administration shall submit to Congress a report containing the findings of the study required under subsection (a) and any recommendations of the Administrator based on such study.

SEC. 206. EXPANDING OPERATIONAL ASSISTANCE TO CONDITIONALLY APPROVED COMPANIES.

(a) OPERATIONAL ASSISTANCE GRANTS TO CONDITIONALLY APPROVED COMPANIES.—Section 358(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689(a)) is amended by adding at the end the following new paragraph:

''(6) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

''(A) IN GENERAL.—Subject to subparagraphs (A) and (B), upon the request of a company conditionally-approved under section 354(c), the Administrator shall make a grant to the company under this subsection.

''(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under paragraph (6) and does not enter into a participation agreement for final approval, the company shall repay the amount of the grant to the Administrator.

''(C) DEDUCTION FROM GRANT TO APPROVED COMPANY.—If a company receives a grant under paragraph (6) and receives final approval under section 354(e), the Administrator shall deduct the amount of the grant under that paragraph from the total grant amount that the company receives for operational assistance.

''(D) AMOUNT OF GRANT.—No company may receive a grant of more than $50,000 under this paragraph.''.

(b) LIMITATION ON TIME FOR FINAL APPROVAL.—Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended in the matter preceding paragraph (1) by striking ''a period of time, not to exceed 2 years,'' and inserting ''2 years''.

SEC. 207. STREAMLINED APPLICATION FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall prescribe standard documents for final New Markets Venture Capital Company approval application under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall assure that the standard documents shall be designed to substantially reduce the cost burden of the application process on the companies involved.

SEC. 208. ELIMINATION OF MATCHING REQUIREMENT.

Section 354(d)(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(2)(A)(i)) is amended—

(1) in subclause (I) by adding ''and'' at the end;

(2) in subclause (II) by striking ''and'' at the end; and

(3) by striking subclause (III).

SEC. 209. SIMPLIFIED FORMULA FOR OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended—

(1) by striking ''shall be equal to'' and all that follows through the period at the end and by inserting ''shall be equal to the lesser of—''; and

(2) by adding at the end the following:

''(i) 10 percent of the resources (in cash or in kind) raised by the company under section 354(d)(2); or

''(ii) $1,000,000.''.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS AND DEDICATION TO SMALL MANUFACTURING.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) by striking ''fiscal years 2001 through 2006'' and inserting ''fiscal years 2008 through 2010'';

(2) in paragraph (1)—

(A) by striking ''$150,000,000'' and inserting ''$30,000,000''; and

(B) by inserting before the period at the end the following: '', of which not less than one-quarter shall be used to guarantee debentures of companies engaged primarily in development of and investment in small manufacturers''; and

(3) in paragraph (2)—

(A) by striking ''$30,000,000'' and inserting ''$5,000,000''; and

(B) by inserting before the period at the end the following: '', of which not less than one-quarter shall be used to make grants to companies engaged primarily in development of and investment in small manufacturers''.

TITLE III—ANGEL INVESTMENT PROGRAM

SEC. 301. ESTABLISHMENT OF ANGEL INVESTMENT PROGRAM.

(a) ESTABLISHMENT.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following new part:

"PART C—ANGEL INVESTMENT PROGRAM

"SEC. 380. OFFICE OF ANGEL INVESTMENT.

''(a) ESTABLISHMENT.—There is established, in the Investment Division of the Small Business Administration, the Office of Angel Investment.

''(b) DIRECTOR.—The head of the Office of Angel Investment is the Director of Angel Investment.

''(c) DUTIES.—Subject to the direction of the Secretary, the Director shall perform the following functions:

''(1) Provide support for the development of angel investment opportunities for small business concerns.

''(2) Administer the Angel Investment Program under section 382 of this Act.

''(3) Administer the Federal Angel Network under section 383 of this Act.

''(4) Administer the grant program for the development of angel groups under section 384 of this Act.

''(5) Perform such other duties consistent with this section as the Administrator shall prescribe.

"SEC. 381. DEFINITIONS.

''In this part:

''(1) The term 'angel group' means 10 or more angel investors organized for the purpose of making investments in local or regional small business concerns that—

''(A) consists primarily of angel investors;

''(B) requires angel investors to be accredited investors; and

''(C) actively involves the angel investors in evaluating and making decisions about making investments.

''(2) The term 'angel investor' means an individual who—

''(A) qualifies as an accredited investor (as that term is defined under Rule 501 of Regulation D of the Securities and Exchange Commission (17 C.F.R. 230.501));

''(B) provides capital to or makes investments in a small business concern.

''(3) The term 'small business concern owned and controlled by veterans' has the meaning given that term under section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)).

''(4) The term 'small business concern owned and controlled by women' has the meaning given that term under section 8(d)(3)(D) of such Act (15 U.S.C. 637(d)(3)(D)).

''(5) The term 'socially and economically disadvantaged small business concern' has the meaning given that term under section 8(a)(4)(A) of such Act (15 U.S.C. 637(a)(4)(A)).

"SEC. 382. ANGEL INVESTMENT PROGRAM.

''(a) IN GENERAL.—The Director of Angel Investment shall establish and carry out a program, to be known as the Angel Investment Program, to provide financing to approved angel groups for the purpose of providing venture capital investment in small businesses in their communities.

''(b) ELIGIBILITY.—To be eligible to receive financing under this section, an angel group shall—

''(1) have demonstrated experience making investments in local or regional small business concerns;

''(2) have established protocols and a due diligence process for determining its investment strategy;

''(3) have an established code of ethics; and

''(4) submit an application to the Director of Angel Investment at such time and containing such information and assurances as the Director may require.

''(c) USE OF FUNDS.—An angel group that receives financing under this section shall use the amounts received to make investments in small business concerns—

''(1) that have been in existence for less than 5 years as of the date on which the investment is made;

''(2) that have fewer than 75 employees as of the date on which the investment is made;

''(3) more than 50 percent of the employees of which perform substantially all of their services in the United States as of the date on which the investment is made; and

''(4) within the geographic area determined by the Director under subsection (e).

''(d) LIMITATION ON AMOUNT.—No angel group receiving financing under this section shall receive more than $2,000,000.

''(e) LIMITATION ON GEOGRAPHIC AREA.—For each angel group receiving financing under this section, the Director shall determine the geographic area in which a small business concern must be located to receive an investment from that angel group.

''(f) PRIORITY IN PROVIDING FINANCING.—In providing financing under this section, the Director shall give priority to angel groups that invest in small business concerns owned and controlled by veterans, small business concerns owned and controlled by women, and socially and economically disadvantaged small business concerns.

''(g) NATIONWIDE DISTRIBUTION OF FINANCING.—In providing financing under this section, the Director shall, to the extent practicable, provide financing to angel groups that are located in a variety of geographic areas.

''(h) MATCHING REQUIREMENT.—As a condition of receiving financing under this section, the Director shall require that for each small business concern in which the angel group receiving such financing invests, the angel group shall invest an amount that is equal to or greater than the amount of financing received under this section from a source other than the Federal Government that is equal to the amount of the financing provided under this section that the angel group invests in that small business concern.

''(i) REPAYMENT OF FINANCING.—As a condition of receiving financing under this section, the Director shall require an angel group to repay the Director for any investment on which the angel group makes a profit an amount equal to the percentage of the returns that is equal to the percentage of the total amount invested by the angel group that consisted of financing received under this section.

''(j) ANGEL INVESTMENT FUND.—

''(1) ESTABLISHMENT.—There is in the Treasury a fund to be known as the Angel Investment Fund.

''(2) DEPOSIT OF CERTAIN AMOUNTS.—Amounts collected under subsection (i) shall be deposited in the fund.

''(3) USE OF DEPOSITS.—Deposits in the fund shall be available for the purpose of providing financing under this section in the amounts specified in annual appropriation laws without regard to fiscal year limitations.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2008;

''(2) $20,000,000 for fiscal year 2009; and

''(3) $20,000,000 for fiscal year 2010.

''SEC. 383. FEDERAL ANGEL NETWORK.

''(a) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Director of the Office of Angel Investment shall establish and maintain a searchable database, to be known as the Federal Angel Network, to assist small business concerns in identifying angel investors.

''(b) NETWORK CONTENTS.—The Federal Angel Network shall include—

''(1) a list of the names and addresses of angel groups and angel investors;

''(2) information about the types of investments each angel group or angel investor has made; and

''(3) information about other public and private resources and registries that provide information about angel groups or angel investors.

''(c) COLLECTION OF INFORMATION.—

''(1) IN GENERAL.—The Director shall collect the information to be contained in the Federal Angel Network and shall ensure that such information is updated regularly.

''(2) REQUEST FOR EXCLUSION OF INFORMATION.—The Director shall not include such information concerning an angel investor if that investor contacts the Director to request that such information be excluded from the Network.

''(d) AVAILABILITY.—The Director shall make the Federal Angel Network available on the Internet website of the Administration and shall do so in a manner that permits others to download, distribute, and use the information contained in the Federal Angel Network.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000, to remain available until expended.

''SEC. 384. GRANT PROGRAM FOR DEVELOPMENT OF ANGEL GROUPS.

''(a) IN GENERAL.—The Director of the Office of Angel Investment shall establish and carry out a grant program to make grants to eligible entities for the development of new or existing angel groups and to increase awareness and education about angel investing.

''(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

''(1) a State or unit of local government;

''(2) a nonprofit organization;

''(3) a state mutual benefit corporation;

''(4) a Small Business Development Center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648); or

''(5) a women's business center established pursuant to section 29 of the Small Business Act (15 U.S.C. 656).

''(c) MATCHING REQUIREMENT.—The Administrator shall require, as a condition of any grant made under this section, that the eligible entity receiving the grant provide from resources (in cash or in kind), other than those provided by the Administrator or any other Federal source, a matching contribution equal to 50 percent of the amount of the grant.

''(d) APPLICATION.—To receive a grant under this section, an eligible entity shall submit an application that contains—

''(1) a proposal describing how the grant would be used; and

''(2) any other information or assurances as the Director may require.

''(e) REPORT.—Not later than 3 years after the date on which an eligible entity receives a grant under this section, such eligible entity shall submit a report to the Administrator describing the use of grant funds and evaluating the success of the angel group developed using the grant funds.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000, for each of fiscal years 2008 through 2010.''.

TITLE IV—SURETY BOND PROGRAM

SEC. 401. STUDY AND REPORT.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study of the current funding structure of the surety bond program carried out under part B (15 U.S.C. 694a et seq.) of title IV of the Small Business Investment Act of 1958. The study shall include—

(1) an assessment of whether the program's current funding framework and program fees are inhibiting the program's growth;

(2) an assessment of whether surety companies and small business concerns could benefit from an alternative funding structure; and

(3) an assessment of whether permissible premium rates for surety companies participating in the program should be placed on parity with the rates authorized by appropriate State insurance regulators and how such a change would affect the program under the current funding framework.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 402. PREFERRED SURETY BOND PROGRAM.

(a) PROGRAM REQUIRED.—Part B (15 U.S.C. 694a et seq.) of title IV of the Small Business Investment Act of 1958 is amended by adding at the end the following:

''SEC. 413. PREFERRED SURETY BOND PROGRAM.

''(a) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Preferred Surety Bond Program, under which the Administration, by a written agreement between the surety and the Administration, delegates to the surety complete authority to issue, monitor, and service bonds subject to guaranty from the Administration without obtaining the specific approval of the Administration. Bonds made under the program shall carry a 70 percent guaranty.

''(b) TERM.—The term of a delegation of authority under such an agreement shall not exceed 2 years.

''(c) RENEWAL.—Such an agreement may be renewed one or more times, each such renewal providing one additional term. Before each renewal, the Administrator shall review the surety's bonds, policies, and procedures for compliance with relevant rules and regulations.

''(d) APPLICATION.—The Administrator shall promptly act upon an application from a surety to participate in the program, in accordance with criteria and procedures established in regulations pursuant to section 411(d).

''(e) REDUCTION OR TERMINATION OF PARTICIPATION.—The Administrator is authorized to reduce the allotment of bond guarantee authority or terminate the participation of a surety in the program based on the rate of participation of such surety during the 4 most recent fiscal year quarters compared to the median rate of participation by the other sureties in the program.''.

(b) CONFORMING AMENDMENTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a), by striking paragraphs (3), (4), and (5);

(2) in subsection (b)(2), by striking ''the authority of subsection (a)(3)'' and inserting ''the authority of section 413'';

(3) in subsection (c)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as (1) through (3), respectively; and

(4) in subsection (g)(3), by striking ''the authority of paragraph (3) of subsection (a)'' and inserting ''the authority of section 413''.

SEC. 403. DENIAL OF LIABILITY.

Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended by adding at the end the following:

''(k) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon information that was provided as part of the guaranty application.''.

SEC. 404. INCREASING THE BOND THRESHOLD.

Section 411(a) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)) is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 405. FEES.

Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended by adding at the end the following:

''(l) To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall use such funds to offset fees established and assessed under this section. Each fee contribution shall be effective for one fiscal quarter and shall be adjusted as necessary to ensure that amounts made available are fully used.''.

TITLE V—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 501. DETERMINING WHETHER BUSINESS CONCERN IS INDEPENDENTLY OWNED AND OPERATED.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) NON-AFFILIATION OF VENTURE CAPITAL FROM CONSIDERATION OF SMALL BUSINESS CONCERN.—For purposes of determining whether a small business concern is independently owned and operated under paragraph (1) or meets the small business size standards instituted under paragraph (2), the Administrator shall not consider a concern that has received financing from a venture capital operating company to be affiliated with either the venture capital operating company or any other business which the venture capital operating company has financed.

''(6) DEFINITION OF 'INDEPENDENTLY OWNED AND OPERATED'.—For purposes of this section, a business concern shall be deemed to be 'independently owned and operated' if it is owned in majority part by one or more natural persons or venture capital operating companies meeting the definition in paragraph (7).

''(7) DEFINITION OF 'VENTURE CAPITAL OPERATING COMPANY'.—For purposes of this section, the term 'venture capital operating company' means a business concern—

''(A) that—

''(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(ii) is an entity that—

''(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.);

''(II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; or

''(III) is a nonprofit organization affiliated with, or serving as a patent and licensing organization for, a university or other institution of higher education and that invests primarily in small business concerns; and

''(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3; and

''(C) that has fewer than 500 employees; and

''(D) that is itself a business concern incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.''.

TITLE VI—REGULATIONS

SEC. 601. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue revisions to all existing regulations as necessary to ensure their conformity with the amendments made by this Act.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110–350. 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. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House Report 110–350.

Mr. CHABOT. 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. CHABOT.

Strike title V and insert the following:

TITLE V—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 501. DETERMINING WHETHER BUSINESS CONCERN IS INDEPENDENTLY OWNED AND OPERATED.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) NON-AFFILIATION OF VENTURE CAPITAL FROM CONSIDERATION OF SMALL BUSINESS CONCERN.—For purposes of determining whether a small business concern is independently owned and operated under paragraph (1) or meets the small business size standards instituted under paragraph (2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

''(A) the venture capital operating company does not own 50 percent or more of the business concern; and

''(B) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

''(6) DEFINITION OF 'INDEPENDENTLY OWNED AND OPERATED'.—For purposes of this section, a business concern shall be deemed to be 'independently owned and operated' if—

''(A) it is owned in majority part by one or more natural persons or venture capital operating companies;

''(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

''(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

''(7) DEFINITION OF 'VENTURE CAPITAL OPERATING COMPANY'.—For purposes of this section, the term 'venture capital operating company' means a business concern—

''(A) that—

''(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(ii) is an entity that—

''(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.);

''(II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; or

''(III) is a nonprofit organization affiliated with, or serving as a patent and licensing organization for, a university or other institution of higher education and that invests primarily in small business concerns; and

''(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3; and

''(C) that has fewer than 500 employees; and

''(D) that is itself a concern incorporated and domiciled in the United States, or is controlled by a concern that is incorporated and domiciled in the United States.''.

The CHAIRMAN. Pursuant to House Resolution 682, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Thank you, Mr. Chairman. And I won't use the full 5 minutes.

I yield myself such time as I may consume.

As I have already explained when discussing the underlying bill, this amendment adopts a bright-line test for determining whether a business that receives funding from a venture capital company is considered affiliated with that firm and any other firms that the venture capital company may own.

The test is simple and sensible and I think easily applied. In my view, it strikes the correct balance between allowing needed venture capital funding for small businesses, while protecting against the possibility that venture capital firms will be able to create conglomerates that would have an unfair competitive advantage against independently owned and operated small businesses. As the chairwoman already mentioned, so I won't go into great detail, the venture capital company can't have more than 50 percent.

As a result, I believe that this amendment alleviates many of the concerns that the Small Business Administration has, although maybe not all, with title V. I ask that Members support the amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in developing this legislation, we worked very closely with the ranking member to try and address his concerns with this bill. I understand that he has some remaining concerns with title V of the bill. I am confident, however, that the legislation we have reported includes adequate safeguards.

The ranking member's amendment will provide further protections. I thank him for working with us to perfect this bill. I am willing to accept his amendment, which provides an additional level of clarification and direction for the agency. I appreciate his time and patience in working through this complicated issue with us.

Mr. Chairman, I would yield such time as he may consume to the gentleman from Pennsylvania (Mr. ALTMIRE), the main sponsor of the bill.

Mr. ALTMIRE. I thank the chairwoman and the ranking member. I think the way that we worked together as a committee to resolve this issue is a model for the way this Congress should operate. The ranking member voiced some concerns about the bill and deferred in the process to get it to the floor so he could offer his amendment on the floor.

There are some outside groups, I know, that are concerned about title V. We want to alleviate their concerns on this issue and get the support of the entire small business community on this. Hopefully, with this amendment, that is going to happen.

Mr. Chairman, none of this would have happened without the support of the ranking member and the way that he handled this issue. I really want to thank him for offering this amendment. I think this is going to secure the bill for some of the groups that have concerns. I also accept it and I encourage my colleagues to support the ranking member's amendment.

Mr. CHABOT. Mr. Chairman, I would like to thank the gentleman for his kind remarks and also note that the gentleman also worked in a bipartisan manner with Mr. GRAVES from Missouri in drafting the bill and moving forward in the first place.

As he mentioned, the Small Business Committee, I think, has been a model in many ways for the entire Congress in the way a committee can work together. We have philosophical disagreements at times. We work together, and we are not going to agree on everything, but, in general, we try to work things out for the benefit of the small business community.

There are Republicans, there are Democrats, there are independents that benefit from the small business community thriving in this country. I think we are trying to work altogether to make it a healthier situation. I wish all committees around here were able to do the same thing.

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

Ms. VELAZQUEZ. Mr. Chairman, I thank the gentleman from Ohio, and I urge adoption of his amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. INSLEE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 110–350.

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. 2 offered by Mr. INSLEE:

Section 206, add at the end the following:

(c) EXPANDED DEFINITION OF OPERATIONAL ASSISTANCE.—Section 351(5) of the Small Business Investment Act of 1958 (15 U.S.C. 689(5)) is amended by inserting before the period at the end the following: '', including assistance on how to implement energy efficiency and sustainable practices that reduce the use of non-renewable resources or minimize environmental impact and reduce overall costs and increase health of employees''.

The CHAIRMAN. Pursuant to House Resolution 682, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

□ 1730

Mr. INSLEE. Mr. Chairman, I rise today to support the Inslee-Welch amendment to the Small Business Investment Act which will support the legislation's overall goal to modernize small business investment programs. Small businesses are the backbone of the growth in our economy and will be the brains behind the forthcoming clean-energy revolution.

Our amendment will ensure that the small business investment companies give consideration to innovators that create clean energy technologies and services.

There are 26.8 million small businesses in the United States. The vast majority of renewable fuels producers, such as biodiesel and ethanol, are small businesses. The chairwoman understands this, and I thank her for her support and commend her efforts to support small green businesses.

Under the chairwoman's leadership, the House passed a clean energy package that will help small businesses become more energy efficient and will establish a debenture financing program exclusively focused on investments in renewable fuels.

These efforts truly have been outstanding. However, I believe we must ensure that every piece of legislation that passes this Chamber that deals with taxpayer dollars and Federal investment include a provision to encourage investments in truly clean energy technologies. This amendment will help American innovators and entrepreneurs turn their ideas into products that will help prevent our worst-case climate change scenarios and will create green-collar jobs, and I urge its passage.

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

Mr. CHABOT. Mr. Chairman, I rise to claim the time in opposition, but I am not opposed and we are prepared to accept the gentleman's amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Thank you. And we are prepared to accept the gentleman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–350.

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. 3 offered by Mr. INSLEE:

Redesignate section 104 as 105 and insert after section 103 the following:34

SEC. 104. INCREASED INVESTMENTS IN SMALL BUSINESSES CREATING NEW TECHNOLOGIES, MANUFACTURED GOODS, OR MATERIALS OR PROVIDING SERVICES TO REDUCE CARBON EMISSIONS IN THE UNITED STATES, REDUCE THE USE OF NON-RENEWABLE RESOURCES, MINIMIZE ENVIRONMENTAL IMPACT, AND RELATE PEOPLE WITH THE NATURAL ENVIRONMENT.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683), as amended by this Act, is further amended by adding at the end the following:

''(k) INCREASED INVESTMENTS IN SMALL BUSINESSES.—The Administrator shall give consideration to investments in small businesses that are creating new technologies, manufactured goods, or materials, or providing services to reduce carbon emissions in the United States, reduce the use of non-renewable resources, minimize environmental impact, and relate people with the natural environment.''.

The CHAIRMAN. Pursuant to House Resolution 682, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I rise to offer a second Inslee-Welch amendment that will help small business achieve energy efficiency. We need all hands on deck in the effort to reduce greenhouse gas emissions, including our Nation's 26 million small businesses.

This amendment will help small businesses in low-income areas upgrade to energy-efficient buildings, technologies and practices. It will give them operational assistance in these areas through the New Market Venture Capital program.

The majority of small business owners say that they have been affected by rising energy prices and that reducing energy costs will serve to increase their profitability. At the same time, however, half of these entrepreneurs have not yet invested in energy-efficient programs for their businesses.

For instance, if a small business owner can replace 20 100-watt incandescent bulbs with 27-watt compact fluorescent bulbs, it does cost the owner $400 up front but saves them $980 a year in energy costs.

The owner of the Snoqualmie Gourmet Ice Cream factory in Maltby, WA retrofitted their small business lighting system and reduced their lighting costs by 50 percent. So we know that these simple, new, relatively inexpensive technologies pay for themselves in months, or at most in a couple of years.

We know small businesses benefit from energy efficiency and sustainable workplace practices. This amendment will help American innovators with the know-how to reduce greenhouse gas emissions in America while increasing their profits. This is a green/green solution in both ways. I want to thank the chairwoman for her support, and urge passage of the amendment.

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

Mr. CHABOT. I will claim the time in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, we have heard the gentleman's amendment and we are prepared to accept the amendment.

Mr. WELCH of Vermont. Mr. Chairman, I want to thank the gentleman from Washington, Mr. INSLEE, for his two very thoughtful amendments to H.R. 3567, the Small Business Investment Expansion Act and for allowing me to cosponsor them.

The first amendment will help small businesses increase their energy efficiency and implement sustainable practices. The second amendment would direct the Small Business Administration, SBA, to reward small businesses that are reducing their carbon footprint.

Earlier this year, I offered an amendment, which the House passed, to set a 5 percent procurement goal for the Federal Government to contract with green small businesses.

It is critical that small businesses be encouraged to operate and to develop and supply products and services in an environmentally sound way.

Many small businesses are already incorporating sustainable practices into their own business, such as conserving energy and water, using sustainable products, or minimizing generation of waste and the release of pollutants. They strive to make products from recycled materials. They use energy from renewable resources such as bio-fuels, solar and wind power. Or they transport goods and services in alternate fuel vehicles.

We all have a responsibility to protect our environment. As populations expand and lifestyles change, we must keep the planet in good condition so that future generations will have the same natural resources that we have and enjoy now. The Earth faces many threats ranging from pollution to acid rain to global warming to the destruction of rainforests and other wild habitats to the decline and extinction of thousands of species of animals and plants. Combating these threats is essential to ensuring that future generations can live healthy lives.

Our small businesses embrace our Nation's entrepreneurial spirit. The Federal Government can and should serve as a model to the private sector and the rest of the world. As a Congress, we should reward businesses that are striving to be environmentally responsible.

Both of these amendments would greatly improve the bill before us and I ask that they be adopted by the House.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. There being no other amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. KIND, 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. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes, pursuant to House Resolution 682, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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. WALBERG

Mr. WALBERG. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALBERG. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walberg moves to recommit the bill H.R. 3567 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendments:

In title III of the bill, in the quoted matter proposing to insert a new part C in title III of the Small Business Investment Act of 1958:

(1) Strike sections 382 and 384, and redesignate section 383 as 382.

(2) In section 380(c), strike paragraphs (2) and (4); strike ''383'' in paragraph (3) and insert ''382''; and redesignate paragraphs (3) and (5) as (2) and (3), respectively.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Speaker, in considering tonight's legislation, I am reminded of a quote from the great communicator himself, Ronald Reagan: ''The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And it if stops moving, subsidize it.''

I find it ironic that we sit here this evening debating a clause to provide millionaires with Federal funding in the name of spurring investment when the majority party constantly supports to tax private investments out of business.

The best way to encourage innovation and investment in the marketplace is to reduce financial and regulatory impediments. The key is reducing regulation. Congress must support tax measures that have proven to stimulate the economy, such as extending the capital gains and dividends tax reduction beyond 2010. These commonsense tax reductions have a proven track record of producing greater wealth and encouraging further investment in the economy.

Instead, the majority in Congress has stood in the way of providing tax relief by supporting and passing a budget containing the largest tax increase in American history, which would result in a $3,000 tax increase for the average taxpayer in Michigan and in every other State. Now the majority wants to subsidize millionaires with funds that would be better used to assist the middle class.

Title III of the bill before us creates a brand new program in the Small Business Administration to promote so-called ''angel investors.'' Angel investors are those financial backers who provide venture capital funds for small startups or entrepreneurs.

Among other things, this new SBA program will provide funds of up to $2 million to qualified angel investors. These millionaire investors will take taxpayer dollars to finance their own small business. This begs the question: Who exactly are these angel investors? Do they have halos? Do they really need government money if they are already millionaires?

According to the regulations referenced in this bill, a qualified angel investor would be ''any natural person whose individual net worth, or joint net worth with that person's spouse exceeds $1 million.''

In other words, to even qualify to receive government money, these angels already have to be millionaires.

According to the University of New Hampshire, angel investments totaled $25.6 billion nationally, up 10 percent over the previous year. I don't know about you, but it appears angel investors already are having financial success, and I question whether they need help from the American taxpayer.

Title III of the bill also includes a new grant program to help develop new angel investor groups; in other words, a taxpayer-subsidized grant program to help millionaires get together and make investments. One can only wonder if these programs come with a complimentary tin of caviar.

My motion to recommit would simply strike the two sections of bill that authorize taxpayer funding for these angel millionaire investors. Congress does not need to enact another Federal

entitlement program to help millionaires decide what to invest in. The focus in this debate should be on lowering taxes for every American to encourage investment and personal wealth to create entrepreneurship and allow job creators to thrive.

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise to claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to ask the gentleman from Michigan: What bill did you read? Did you read H.R. 3567? Did you? Because if you read the bill, I want to ask you, show me in this bill where one single penny will go to millionaires? Show me in the bill where that happens?

It goes to small businesses in low-income communities. It goes to veterans. It goes to small businesses. If the goal is to cut access to capital, that is what this motion will do.

One of the primary goals of this program is to put capital in the hands of veterans and entrepreneurs. This amendment will bar entrepreneurs from such funds. It will invest in startups that could become the next Microsoft. They are not there yet. They are small, small businesses.

We always hear how we need to be doing more to encourage investment. This program does exactly that. This is not a new program, it merely fixes an old program that has been badly mismanaged by this administration. The total cost of this program is half of what the other party said when it was in charge. This is a 3-year pilot program, and all funding remains subject to the application. The Federal Government will actually have less risk under the angel investment program than any other current government programs. And when we talk about being stewards of the taxpayers' money, profits from this investment go right back to the taxpayers.

Mr. Speaker, I ask Members to oppose the motion to recommit.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 183, nays 213, not voting 36, as follows:

[Roll No. 922]

YEAS—183

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
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
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—213

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

NOT VOTING—36

Bachus
Bishop (GA)
Bonner
Brown, Corrine
Carson
Conyers
Cubin
Davis, Jo Ann
Dingell
Doyle
Everett
Hastert
Herger
Hinojosa
Hoekstra
Issa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kennedy
LaHood
Linder
Lofgren, Zoe
Marchant
McCaul (TX)
Moran (KS)
Moran (VA)
Paul
Perlmutter
Rush
Scott (VA)
Stark
Thompson (MS)
Visclosky
Wilson (NM)

□ 1809

Messrs. CUMMINGS, LOEBSACK, SNYDER, LINCOLN DAVIS of Tennessee, Ms. DELAURO and Ms. WASSERMAN SCHULTZ changed their vote from ''yea'' to ''nay.''

Mr. HASTINGS of Washington and Mr. SOUDER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 72, not voting 35, as follows:

[Roll No. 923]

YEAS—325

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert

Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
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
Doggett
Donnelly
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—72

Aderholt
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Coble
Culberson
Davis (KY)
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Heller
Hensarling
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Kingston
Lamborn
Lewis (CA)
Lungren, Daniel E.
Mack
Manzullo
McCrery
McHenry
McKeon
Mica
Miller (FL)
Myrick
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Thornberry
Walberg
Walden (OR)
Weldon (FL)
Wilson (SC)

NOT VOTING—35

Arcuri
Bachus
Bishop (GA)
Bonner
Boyd (FL)
Brown, Corrine
Carson
Conyers
Cubin
Davis, Jo Ann
Dingell
Doyle
Everett
Hastert
Herger
Hinojosa
Hoekstra
Issa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kennedy
LaHood
Linder
Lofgren, Zoe
Marchant
McCaul (TX)
Moran (KS)
Moran (VA)
Paul
Perlmutter
Stark
Visclosky
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1819

Ms. PRYCE of Ohio and Mr. BURGESS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, due to a family emergency I missed the following votes on Thursday, September 27, 2007. I would have voted as follows: Taylor Amendment, Allows multiple peril and flood insurance coverage of apartment buildings up to the total of the number of dwelling units times the maximum coverage limit per residential unit—''yes''; Motion to recommit H.R. 3121—''no''; Final Passage of H.R. 3121—Flood Insurance Reform and Modernization Act of 2007—''yes''; Motion to Recommit H.R. 3567—''no''; Final passage H.R. 3567—Small Business Investment Expansion Act of 2007—''yes.''

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to a famly health emergency, I was unable to be present for rollcall votes 891–923 on Monday, September 24 through Thursday, September 27, 2007. Had I been present, I would have voted in the following manner: ''yea'' on rollcall votes 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 911, 913, 915, 916, 917, 918, 919, 921, and 923; ''nay'' on rollcall votes 910, 912, 914, 920, and 922.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3567, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 946

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent to remove Representative EMANUEL CLEAVER as a cosponsor of H.R. 946, the Consumer Overdraft Protection Fair Practices Act. He was added to the bill in error.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to the representative of the majority leader, the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), for the purpose of inquiring about next week's schedule.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m.

We will consider several bills under suspension of the rules. A list of these bills will be announced by the close of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business.

On Wednesday and Thursday the House will meet at 10 a.m. for legislative business.

On Friday there will be no votes in the House.

We expect to consider H.R. 2470, legislation dealing with contractors who commit crimes overseas; H.R. 928, the Improving Government Accountability Act; and a bill to provide tax relief for mortgage debt forgiveness in the event of foreclosures.

Mr. BLUNT. I thank you for that information. It does look like to me that the schedule for next week is incredibly light for 3 days of work. Last week, when Mr. HOYER and I were talking about the problems of bringing the SCHIP bill to the floor without a conference, without any real opportunity for those of us on this side to see the bill, he said last week one of the reasons for that was the Senate was not able to go to conference. And I'm hoping on the four bills that the Senate has already passed, and we could go to conference on, that we see some action on those bills.

I think, particularly, the bill where the new benefits for military families and veterans that could be available as early as next Tuesday, October 1, aren't going to be available because we're not naming conferees. And I wonder if my friend has any sense of when we might be able to have one of those bills, or any appropriation bill, on the House floor now that the fiscal year is essentially, this is the last legislative working day in the fiscal year.

Four bills have been ready, one of them, the military quality of life and veterans bill, for some time now, with no apparent interest in going to conference and getting that bill done. And I know we notified the majority before that I'd be asking that question, and so I'm wondering if you have any sense of when any or all of those bills might actually be scheduled, particularly looking at the incredibly light workweek scheduled for next week.

And I yield to my friend.

Ms. WASSERMAN SCHULTZ. Thank you very much. I thank the gentleman for yielding.

The gentleman will note that we did a lot of incredibly good work this week, passing the SCHIP bill, the Children's Health Insurance bill, passing the flood insurance bill off the floor this afternoon, passing the CR just yesterday. So there has been an incredible amount of good work done this week. And as far as the bills that you referenced, we will be planning to conference with the Senate as soon as they signify that they are ready to do that, and will be working diligently with them to bring those bills to the floor when the conference is complete and ready.

Mr. BLUNT. If I could reclaim my time here, I'd just point out that the Senate actually has requested not only a conference, but named conferees on all four of those bills. And I'd yield to you for anything you want to say about that. I mean, they're ready to go to conference, and I'm just asking why we're not so we can get some of this work done. And I'd yield.

Ms. WASSERMAN SCHULTZ. I'd be happy to answer the gentleman's question. We are reviewing all of those bills and want to make sure that, obviously, the House is on equal footing with the Senate. And when we are ready to go to conference, we will certainly join them and make sure those bills are brought to the floor in as timely a fashion as possible.

Mr. BLUNT. Well, before we go to one other topic, I'd just say that for bills where we could have started, particularly for military families, the quality of life issues there and for veterans, I think it's a shame that we're not starting those on Tuesday, when they could have started.

The other thing that just happened, the President just sent the Peru Free Trade Agreement to the House. The Ways and Means Committee held its markup on the Peru Free Trade Agreement this week, and I've read, at least, that there's an intention, before we go to that trade agreement, to go to a trade adjustment bill that has not yet been written. That trade adjustment bill, when it has passed in the past, has passed with trade promotion authority. With no new trade promotion authority, there's less reason than there might have otherwise been for new trade adjustment authority. And more importantly, it seems, we might run the risk here of slowing the Peru agreement, the clock of which just started, if we wait for a bill that's not yet been written.

And I guess my two questions would be, do we plan to do trade adjustment assistance with TPA? And does the gentlelady have any sense of why it's necessary to do that before we do a trade agreement that we've already held the markup on and the President just sent down?

And I'd yield.

Ms. WASSERMAN SCHULTZ. Thank you. As far as the gentleman's reference to the military quality of life bill at the beginning of your remarks, I will remind the gentleman that we did pass, in the military health care and veterans bill, the largest single increase in health care in the 77-year history of the Veterans Administration. So we are certainly doing everything we can to expand access to health care and improve the quality of life of our military veterans.

Referring to the gentleman's question about the trade adjustment act and Peru, I'll remind the gentleman that the Ways and Means Committee did conduct a markup this very week. We are fully engaged in working on the Peru trade agreement and will be working on the trade adjustment act simultaneously to the free trade agreement with Peru.

Mr. BLUNT. I thank the gentlelady.

Mr. Speaker, I'd just say that, one, as we have started that clock, I think it's very important that we keep on schedule, particularly since this will be really the first bill that the majority has done under the TPA standards, and we want to work closely with the majority on that.

And I'd also point out that it's obvious we have not done everything we could have done for military families and veterans, or we'd have a bill that goes into effect next Tuesday instead of some time later this year.

Mr. Speaker, I yield back.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

REMARKS MADE BY RUSH LIMBAUGH

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

Mr. PALLONE. Mr. Speaker, yesterday House Republicans offered a motion to recommit condemning MoveOn.org for its advertisement stating that General Petraeus had ''betrayed us.''

I'm wondering if they'll show similar outrage over statements made yesterday by conservative radio talk show host Rush Limbaugh. Yesterday, Limbaugh called servicemembers who support a withdrawal from Iraq ''phony soldiers.''

Is Limbaugh serious? Is a soldier who is honorably serving our Nation in Iraq any less a soldier if he questions what appears to be a never-ending war?

Last month, seven soldiers from the U.S. Army 82nd Airborne Division wrote an op-ed in the New York Times questioning our continued war efforts, but also stating: ''We need not talk about our morale. As committed soldiers we will see this mission through.''

Now, since publication of that op-ed, two of the soldiers have died. As this op-ed shows, soldiers may question the war, but that does not mean that they're any less committed to their mission.

And now I wonder if Republicans who showed so much outrage towards MoveOn yesterday will hold Rush Limbaugh to the same standard. And I wouldn't hold your breath.

□ 1830

HONORING EMILY KEYES

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

Mr. LAMBORN. Mr. Speaker, I rise today in remembrance of Emily Keyes and the tragic event that touched the community of Bailey, Colorado 1 year ago today.

That morning Emily and six of her classmates were taken hostage at gunpoint by a deranged man as they sat in

class at Platte Canyon High School. After several horrific hours, the gunman ended Emily's young and promising life. This act robbed the Keyes family of their precious daughter and the Bailey community of its tranquil security.

Emily was beloved by all who knew her. They described her as ''sweet,'' ''beautiful,'' and ''polite.'' A member of the volleyball, speech, and debate teams, this active, bright, and industrial girl exemplified the Bailey community.

She also possessed a beautiful soul, as was demonstrated by one of her final acts. In a moment fraught with terror, Emily chose to express love. This brave woman sent a text message to her father that read simply ''I love U guys.''

Following her death, Emily's family asked for ''random acts of kindness'' because, they said, ''there is no way to make sense of this and it is what Emily would have wanted.

This is the legacy for which Emily Keyes shall be remembered. And this is the memory that I rise to honor today.

HONORING JUDGE RICHARD SHEPPARD ARNOLD (1936–2004)

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

Mr. BOOZMAN. Mr. Speaker, I rise today to pay tribute to a person who has been described as ''perhaps the best judge never to serve on the Supreme Court.'' I wish today to honor and remember Judge Richard Arnold as we prepare to name the Federal building in Little Rock after one who has given so much to his country.

A Texarkana native, Judge Arnold attended Exeter, Yale, and Harvard, and clerked for Justice William Brennan before returning to Arkansas to set up practice in Texarkana.

President Carter named Judge Arnold, a Democrat, to the district court in 1978 and, in just over a year, named him to the Eighth Circuit. He rose to chief judge and served on the Eighth Circuit with his brother Morris, a Republican.

Judge Arnold's life represents one of commitment to the rule of law and of service to one's country. I am proud to see the Federal building in Little Rock named after him, and I am proud to speak of him here in the well of the House.

COMMUNICATION FROM THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN T. DOOLITTLE, Member of Congress:

SEPTEMBER 25, 2007.

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

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

I will make the determinations required by Rule VIII.

Sincerely,

JOHN T. DOOLITTLE,
U.S. Representative.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Alisha Perkins, Scheduler/Office Manager, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Wshington, DC, September 26, 2007.

Hon. NANCY PELOSI,
Speaker, 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 that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consulting with counsel, I will make the determinations required by Rule

Sincerely,

ALISHA PERKINS,
Scheduler/Office Manager.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dan Blankenburg, Deputy Chief of Staff, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

SEPTEMBER 25, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DAN BLANKENBURG,
Deputy Chief of Staff.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Evan Goitein, Legislative Director, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

EVAN GOITEIN,
Legislative Director.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ron Rogers, Chief of Staff, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

RON ROGERS,
Chief of Staff.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Gordon Hinkle, Field Representative, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

SEPTEMBER 25, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

GORDON HINKLE,
Field Representative.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Martha L. Franco, Senior Executive Assistant, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MARTHA L. FRANCO,
Senior Executive Assistant.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINTYRE). 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.

CAMERAS, COURTS, AND JUSTICE

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

Mr. POE. Mr. Speaker, Americans have a right to a public trial. This right dates back to the founding of this Nation, and it is based on our values of fairness and impartiality. The more open and public a trial is, the more likely that justice will occur. That's why in this country we don't have the secret STAR Chamber. This is a right reserved for defendants, but the public also sees it as their right to be informed. Cameras enhance the concept of fairness and openness.

Any American could walk into a courtroom and observe that proceeding. But if a person does not physically sit inside that courtroom, that person is denied the ability to see and observe the proceedings. This doesn't make any sense.

Placing a camera in a courtroom would allow the trial to be more public, more just, just like a trial is supposed to be. While Federal court hearings are open to the public, not everyone can actually attend Federal hearings. This is certainly true of appellate and Supreme Court hearings. And because of the impact that the United States Supreme Court and its rulings have on all Americans, those proceedings especially should be filmed. It is time to allow cameras in our Federal courts, at the discretion of the Federal judge.

I personally know how important it is to make courtroom proceedings in trials accessible by camera to the public because I did it. For 22 years I served as a State felony court judge in Houston, Texas. I heard over 25,000 cases and presided over 1,000 jury trials. I was one of the first judges in the United States to allow cameras in the courtroom. I tried violent cases, corruption cases, murder cases, undercover drug cases, and numerous gang cases.

I had certain rules in place when a camera filmed in my courtroom. The media also always followed the rules that were ordered. Court TV even successfully aired an entire capital murder trial that was conducted in my courtroom. My rules were simple: No filming of sexual assault victims or children or the jury or certain witnesses such as informants. The unobtrusive camera filmed what the jury saw and what the jury heard. Nothing else.

After the trial juries even commented and liked the camera inside the courtroom because they, too, wanted the public to know what they heard instead of waiting to hear a 30-second sound bite from a newscaster, who may or may not have gotten the facts straight.

Those who oppose cameras in the courtroom argue that lawyers will play to the camera. No, Mr. Speaker, trial lawyers don't play to the camera. Lawyers play to the jury. They always have done so and always will whether a camera is present or not. I know. I played to the jury in my 8 years as a trial prosecutor.

Those who oppose cameras in the courtroom argue that it would infringe on a defendant's rights, but based on my experience, the opposite is actually true. Cameras in the courtroom actually benefit a defendant because a public trial ensures fairness. It ensures professionalism by the attorneys and the judge. A camera in the courtroom protects a defendant's right to that public trial.

And some members of the bar and judges may not want the public to see what is going on inside the courtroom because, frankly, they don't want the public to know what they are actually doing in the courtroom. Maybe these people shouldn't be doing what they are doing if they don't want the public to know by seeing their actions through a camera. A camera reveals the action of all participants in a trial.

If a judge fears that any trial participant's safety is in jeopardy or that the identity of an undercover agent or security personnel will be revealed by filming, the judge can refuse to have that camera in the courtroom and film that trial. I know how it is when you have certain undercover agents such as the DEA and informants testify. I had them testify in my courtroom, and we took the precautions to secure their identity.

Mr. Speaker, I am no law school academic, but I have 30 years experience as a trial prosecutor and a trial judge. And based on those real experiences, cameras should be allowed in our courts.

The public has a right to watch courtroom proceedings and trials in person. America should not be deprived of this right to know just because they cannot physically sit inside the courtroom during those trials.

We have the best justice system in the world. We should not hide it. Many times citizens wonder why certain things happen in courts and why the results turned out the way they did. Openness, transparency, and cameras will help educate and inform a public that still continues to be enthralled with the greatest court system in the world.

And that's just the way it is.

WHY A SHORT-TERM WITNESS PROTECTION PROGRAM IS NECESSARY: THE CASE OF CARL LACKL

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 was motivated to address the issue of witness intimidation after the death of Angela and Cornell Dawson and their five children, ages 9 to 14. The entire family was killed, or should I say incinerated, in October 2002 when their home was firebombed in retaliation for Mrs. Dawson's repeated complaints to the police about recurring drug trafficking in her east Baltimore neighborhood.

Since this time, witness intimidation has become a plague on our justice system. According to the National Institute of Justice, 51 percent of prosecutors in large jurisdictions find witness intimidation to be a major problem. Additionally, prosecutors in large jurisdictions suspect that witness intimidation occurs in up to 75 to 100 percent of the violent crimes committed in gang-dominated neighborhoods. In my hometown of Baltimore, it is estimated that witness intimidation occurs in 90 percent of the cases that are prosecuted.

To make matters worse, the murder rate in the city is also at a record-breaking high. Today's Baltimore Sun reported that since January 1, there have been 229 homicides in Baltimore. At this pace, it is conceivable that the city will regretfully reach 300 homicides by the end of the year. While this figure is significantly lower than the record high of 353 homicides in 1993, the current situation is simply unacceptable. We need for our citizens to come forward by reporting crimes to law enforcement and testifying in court when appropriate. However, these simple acts have become a serious threat to one's life.

It is time to combat what is commonly referred to as a ''conspiracy of silence,'' and this is why I am asking

my colleagues to cosponsor and to support the passage of H.R. 933, the Witness Security Protection Act of 2007, should it come to the House floor for a vote. Upon enactment, this legislation authorizes $90 million per year over the next 3 years to enable State and local prosecutors to provide witness protection on their own or to pay the cost of enrolling their witnesses in the Short-Term State Witness Protection Program to be created within the United States Marshals Service.

In closing, I will highlight a recent case that exemplifies the need for this type of program.

On his way to lunch in March 2006, Carl Stanley Lackl, Jr., walked through a Baltimore City alley and witnessed Patrick Byers shoot Larry Haynes. Not only did Carl Lackl call the police, he stayed with the dying victim, comforting and reassuring him as paramedics arrived. Mr. Lackl was prepared to testify as a key witness in Byers' trial.

Unfortunately, Carl Lackl will not get the opportunity to carry out his civic duty. He was killed 8 days before the trial, gunned down in front of his home. Police have accused Byers of sending a text message to an associate giving Lackl's name and address and offering $1,000 to have him killed. According to police, Lackl was at home at about 8:45 when he received a call about a Cadillac that he was selling. As he stood next to the Cadillac, a dark-colored car drove up, and a 15-year-old inside shot him three times, in the arm, chest and leg. Carl Lackl was pronounced dead soon after arriving at a nearby hospital.

Mr. Lackl deserved better. By all accounts, he was a hard worker and a devoted father. My prayers go out to his mother, his daughter, and his entire family. We can and should do better.

Mr. Speaker, witness intimidation is a growing national problem jeopardizing the criminal justice system's ability to protect the public. This issue must be addressed because without witnesses there can be no justice.

Therefore, I ask my colleagues to support H.R. 933, the Witness Security and Protection Act of 2007.

□ 1845

ADJOURNMENT TO MONDAY, OCTOBER 1, 2007

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion pursuant to this order, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

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

There was no objection.

CONSTITUTIONAL WAR POWERS RESOLUTION

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

Mr. JONES of North Carolina. Mr. Speaker, earlier this week I introduced H.J. Res. 53, the Constitutional War Powers Resolution. Today, every Member of Congress received a Dear Colleague letter on this resolution. I hope that all Members and their staffs will take the time to review this legislation.

Too many times, this Congress has abdicated its constitutional duty by allowing Presidents to overstep their executive authority. Our Constitution states that, while the Commander in Chief has the power to conduct wars, only Congress has the power to authorize war.

As threats to international peace and security continue to evolve, the Constitutional War Powers Resolution rededicates Congress to its primary constitutional role of deciding when to use force abroad.

In 1793, James Madison said: ''The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature. The executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war.'' And that was James Madison, 1793.

The Framers of our Constitution sought to decentralize the war powers of the United States and construct a balance between the political branches. Because this balance has been too often ignored throughout American history, the Constitutional War Powers Resolution seeks to establish a clear national policy for today's post-9/11 world.

The War Powers Resolution of 1973 aimed to clarify the intent of the constitutional Framers and to ensure that Congress and the President share in the decisionmaking process in the event of armed conflict. Yet, since the enactment of the resolution, time and again Presidents have maintained that the resolution's consultation reporting and congressional authorization requirements are unconstitutional obstacles to executive authority.

By more fully clarifying the war powers of the President and the Congress, the Constitutional War Powers Resolution improves upon the War Powers Resolution of 1973 in a number of ways. It clearly spells out the powers that the Congress and the President must exercise collectively, as well as the defensive measures that the Commander in Chief may exercise without congressional authority.

It also provides a more robust reporting requirement that would enable Congress to be more informed and have greater oversight. This resolution is the result of the dedicated work of the Constitutional Project and its War Powers Initiative. And it protects and preserves the checks and balances the Framers intended in the decision to bring our Nation into war.

Mr. Speaker, I hope many of my colleagues will consider cosponsoring this legislation. It is time for Congress to meet its constitutional duty, and it is long overdue.

And with that, Mr. Speaker, before I yield back my time, I want to ask God to continue to bless our men and women in uniform and to bless their families, and for God to continue to bless America.

THE HEALTH OF IRAQ

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

Ms. WOOLSEY. Mr. Speaker, earlier this week, the World Health Organization released a report that can only be called shocking and appalling. Cholera is on the rise in Iraq and spreading to urban areas like Baghdad and Basrah, and some of the northern provinces as well.

As most of you know, cholera is a diarrheal illness caused by infection of the intestine. People get cholera from drinking water or food contaminated with the cholera bacteria, and it spreads rapidly in areas with inadequate treatment of sewage and drinking water.

This sounds like a disease of the Third World, not one of a developed and wealthy country, certainly not a country where the United States is propping up the health care system, right? Then why have the confirmed number of cases of cholera risen to more than 2,000? In one week alone, 616 new cases were discovered. The WHO estimates that more than 30,000 people have fallen ill with similar symptoms which may later be confirmed as cholera.

This is a shocking epidemic. As a result, the Iraqi Government is considering travel restrictions to limit the spread of this often deadly disease, particularly for children.

In a country already crippled by refugees and internally displaced people, the situation grows more severe every single day. Why, as we are spending more than $13 million an hour for the occupation of Iraq, $13 million an hour, 24 hours a day, 7 days a week, can we not join with the international community to provide for the most basic human needs? We are talking clean drinking water and proper sanitation. This is not reinventing the wheel or putting a man on the Moon.

Clean water and sanitary conditions, is that too much to ask? I guess it might be for our leader at the other end of Pennsylvania Avenue, because the administration spews a lot of rhetoric about liberating the Iraqi people. Does that mean crumbling infrastructure, sectarian fighting, a massive refugee crisis, and on top of that, a possible epidemic of cholera?

Iraqi families need to start their lives over again. They need their kids to be able to go to school. And they need to start their businesses and reopen them. They want real sovereignty

over their own nation. They want U.S. troops out.

Real leadership in Iraq means bringing our troops home and offering humanitarian assistance to the people of Iraq. We must join with the international community to provide relief, reconstruction, and reconciliation. This is the only way forward for Iraq.

Force and occupation will not rebuild Iraq. It will not provide healthier communities. And most importantly, it will not provide a peaceful future for the people of Iraq.

Bring our troops home. Bring hope to our military families at home and the Iraq families yearning for peace.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

RUSH LIMBAUGH'S ''PHONY SOLDIER'' COMMENT

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

Ms. SCHAKOWSKY. Well, Rush Limbaugh is at it again. Unable to defend an indefensible war in Iraq, he has once again resorted to ''sliming'' the messenger. In this case, unbelievably, the messengers he's going after are the brave men and women who have served their country in Iraq, Afghanistan, and other wars.

Men and women who serve in Iraq differ from Rush Limbaugh in two critical ways. First, unlike Mr. Limbaugh, they actually served in the military. Second, unlike Mr. Limbaugh, they understand that the war in Iraq is making our country less safe and destroying the military.

How dare Rush Limbaugh label anyone who has served in the military as a ''phony soldier.'' How dare he say that his views in Iraq, formed in the comfort of his radio studio, are legitimate, while the views of those whose opinions were forged on the battlefield are not. Could Rush Limbaugh actually face soldiers who have risked their lives and tell them that their beliefs don't matter?

These are soldiers like Brandon Friedman, a former rifle platoon leader in the Army's 101st Airborne Division who fought in Afghanistan in 2002 and commanded troops in Iraq. He says, ''The escalation of the war is failing and now the mission must change. The fact is,'' he says, ''the Iraq war has kept us from devoting assets we need to fight terrorists worldwide, as evidenced by the fact that Osama bin Laden is still on the loose and al Qaeda has been able to rebuild. We need an effective strategy that takes the fight to our real enemies abroad, and the best way to do that is to get our troops out of the middle of the civil war in Iraq.'' Is Brandon Friedman a phony?

Or Josh Gaines, who earned the Global War on Terrorism Expeditionary Medal and the National Defense Service Medal during his 2 years in Iraq, he believes the war in Iraq was a mistake from the beginning. Is he a phony? Or retired General William Odom, the head of the National Security Agency during the Reagan administration. His advice: ''The sensible policy is not to stay the course in Iraq. It is rapid withdrawal, re-establishing strong relations with our allies in Europe, showing confidence in the U.N. Security Council, and trying to knit together a large coalition, including the major states of Europe, Japan, South Korea, China and India to back a strategy for stabilizing the area from the eastern Mediterranean to Afghanistan to Pakistan.'' General Odom says: ''Until the United States withdraws from Iraq and admits its strategic error, no such coalition can be formed. Thus those fear leaving a mess are actually helping make things worse while preventing a new strategic approach with some promise of success.''

Does Rush Limbaugh really want to look General Odom in the eye and call him a phony? I believe that we should all pay attention to the views of Brandon Friedman and Josh Gaines and General Odom whose beliefs, like their military experience, are real. And while we're at it, let's pay attention to the 72 percent of American troops serving in Iraq who also think the U.S. should exit the country within the next year, and more than one in four who say the troops should leave immediately, according to the Zogby poll. I guess they're all a bunch of phonies, according to Rush Limbaugh.

Our military men and women deserve respect. Apparently, however, Mr. Limbaugh thinks they deserve to be smeared and belittled unless they happen to agree with him. I understand why Rush Limbaugh cannot debate this war on the merits, but bashing soldiers and veterans who disagree with him is unpatriotic and un-American.

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

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

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

(Ms. WATERS 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 California (Mr. DREIER) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

PUBLICATION OF THE RULES OF THE SELECT COMMITTEE TO INVESTIGATE THE VOTING IRREGULARITIES OF AUGUST 2, 2007, 110TH CONGRESS

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

Mr. DELAHUNT. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I respectfully submit the rules of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 for printing in the CONGRESSIONAL RECORD. The Select Committee adopted these rules by voice vote, a quorum being present, at our organizational meeting on September 27, 2007.

RULES OF THE SELECT COMMITTEE TO INVESTIGATE THE VOTING IRREGULARITIES OF AUGUST 2, 2007, 110TH CONGRESS, ADOPTED SEPTEMBER 27, 2007

Resolved, That the Rules of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 shall be as follows: Except as provided in paragraphs (1)—(4), rule XI and clause 2(c) of rule XIII of the Rules of the House of Representatives shall be rules of the Select Committee.

(1) Regular Meeting Days. If the House is in session, the Committee shall meet on the first Thursday of each month at 9 a.m. for the consideration of any pending business. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The Chairman may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the Ranking Minority Member.

(2) Questioning Witnesses. The chairman, with the concurrence of the ranking minority member, may permit an equal number of majority and minority members to question a witness for a specified period that is equal for each side and not longer than 30 minutes for each side at a time. The chairman and ranking minority member shall each determine how to allocate this time for their members.

(3) Views. Supplemental, minority, or additional views may be filed under rule XI and rule XIII of the Rules of the House of Representatives, and the time allowed for filing of such views shall be three calendar days, beginning on the day of notice, but excluding

Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the Committee agrees to a different time.

(4) Quorum. For the purpose of taking testimony and receiving evidence, one Member from the majority and one Member from the minority shall constitute a quorum, unless otherwise agreed to by the ranking minority member.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–60)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement (Agreement). The Agreement represents a historic development in our relations with Peru, and it reflects the commitment of the United States to supporting democracy and economic growth in Peru. It will also help Peru battle illegal crop production by creating alternative economic opportunities.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening new markets and eliminating barriers.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. This will help to level the playing field, since over 97 percent of our imports from Peru already enjoy duty-free access to our market under U.S. trade preference programs. United States agricultural exports will enjoy substantial new improvements in access. Almost 90 percent, by value, of current U.S. agricultural exports markets will be able to enter Peru duty-free immediately, compared to less than 2 percent currently. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Peru.

The Agreement forms an integral part of my Administration's larger strategy of opening markets around the world through negotiating and concluding global, regional, and bilateral trade initiatives. The Agreement provides the opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy and freedom while contributing to further hemispheric integration.

Approval of this Agreement is in our national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 27, 2007*.

□ 1900

AMERICA'S HERITAGE IS AT RISK AS OUR NATION LOSES ITS WAY

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

Ms. KAPTUR. Mr. Speaker, when our Nation was founded, its spirit of independence and liberty permeated its creation. Freedom, independence, and liberty are the core of the American spirit. But I fear that our priceless heritage is at risk as our Nation loses its way. We are $10 trillion in debt, dependent more and more on foreign borrowing every day to conduct wars not being paid for. We are energy dependent, not independent. We are dependent on foreign petroleum, 75 percent of which we import from foreign countries across the rest of the world. Most of those places are undemocratic regimes. We are dependent on that petroleum. We are dependent on importing capital because we are $10 trillion in debt. Now we have the highest home foreclosure rate since the Great Depression.

The State that I represent, Ohio, which has lost so many jobs through outsourcing to foreign countries, is hard hit, as is our sister State north of us, the State of Michigan. Why? These are all the result of Wall Street draining people's accumulated equity from their largest form of savings, their home. When you have that amount of debt, you have to monetize it. You have to cover the gap. So what do you do? You send letters to the American people. The big banks are saying, ''Do you want to borrow against your home equity? Do you want to borrow $20,000 or $30,000 or $40,000?'' That happened across our country, and now many people are living in homes where they owe more on their mortgage than the basic value of the home itself.

We are losing our independence. Families are losing their independence. In turn, the Nation is losing its independence. At some point, you might say, the chickens of profligacy have come home to roost.

We witness parts of our Nation being pawned off every day. We see turnpikes that the States used to own and run being rented out to foreign countries for 99 years, and then the taxpayers of those States having to pay for them again with interest over 99 years. And the debt never ends.

The latest fire sale, as was reported in the New York Times yesterday, is NASDAQ, one of the pillars of our stock market. The New York Times reported that an undemocratic country, the United Arab Emirates, which is a Middle Eastern fiefdom, intends to buy one-third of the NASDAQ. That is incredible.

Let me ask, why would we sell any part of the heart of our economy to a foreign government or any undemocratic interest? Why we would do this, unless we were broke. And we are broke. We are only holding it together with borrowing. If our government tried to buy one-third of the NASDAQ, I could just hear the voices in here saying, ''socialism, socialism.'' It wouldn't be allowed. We would stop it. Why would we allow any foreign government or any foreign interest to purchase one-third of one of our pillars of capitalism in this country? The United Arab Emirates is notorious for human trafficking, for money laundering, including from terrorist networks. And we are going to allow them to buy one-third of the NASDAQ?

The United Arab Emirates is a hub in the Middle East for recirculating petrodollars that are taken out of our pockets because we are energy dependent here at home rather than energy independent. Those countries have amassed billions and billions and billions of dollars to fuel their undemocratic oil dictatorships. The UAE has no democratic government, no democratically elected government. Its citizens have no right to freely change their government. We have laws that tell us how often we have to change our Government. There is no freedom of representation in the United Arab Emirates. Why would we allow them to buy one-third of our stock market?

Mr. Speaker, I intend to introduce legislation to block this latest sellout of America.

IS AMERICA READY FOR AN EXPENSIVE HEATING SEASON?

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is September 27. We are just finishing the first week of fall. It doesn't seem possible, Mr. Speaker, that summer has slipped by. We are now entering the fall season. That means the cool nights and chilly days will soon be coming. The northern part of the country has already had a couple of movements of Canadian air down where we have chilly nights. That will soon cover most of the country. That means the heating season will begin.

The question I ask is this: Is America ready for the most expensive heating season that we may have ever faced? Yes, all of the last week, the first week of fall, we have had $82 oil. In fact, at the close today it was just 12 cents, it would have been $83 oil. I remember when $50 oil caused a panic, and $60 oil was going to be the end of all, and then $70 oil, and this week we have had $82 oil all week. I haven't heard many people talk about it because that price hasn't hit us yet. It hasn't hit the pump yet. It hasn't hit home heating costs yet.

But $82 oil will give us the highest home heating oil prices we have ever had. It will also give us very high propane costs to heat our homes. Now, 60-some percent of our homes are heated with natural gas. The current price of natural gas, which is at the low ebb because of the summer low usage, is at $7 today. That will soon be rising as we get into the fall season and gas consumption increases. This year, all of the gas distribution companies are warning their customers that they will pay from 9 to 15 to 20 percent more this year than last. That is only on a prediction, because that depends if we have no storms in the gulf or no major supplier of gas that goes offline. A storm in the gulf, and we have not had one that really damaged the gulf now all of last year and all of this year, would give us $90 to $95 oil quickly, could give us $12 to $15 gas quickly. Then we would have real pain in America, not only for those that are heating their homes, but the ones that buy this energy every day of the week, every week of the year, the manufacturers and the processors in America that run our plants: the steel mills, the aluminum mills, the chemical plants, the fertilizer plants, those who process our goods, those who bake our bread, those who cook our foods. I was talking to Hershey Foods today about the energy they use to roast the peanuts and melt the chocolate and make the candy. Energy is consumed in every process of life.

What has this Congress, in the few months we have been here, what have we accomplished to stabilize energy prices? I am just going to turn this chart over because that simplifies what we have not accomplished, because we haven't accomplished anything. There has not been one bill passed. There has been nothing changed. But we have been stirring around doing things.

I want to ask you tonight, Mr. Speaker, are the things we have been doing productive and helpful? Will they help Americans heat their homes and drive their cars with affordable energy? Well, the legislation that has been approved by this body, and I believe the Senate, removes 9 trillion cubic feet of gas in the Roan Plateau that was permitted. All the NEPA studies were done. All the environmental assessments were done. It was ready to be drilled. This legislation takes 9 trillion cubic feet of natural gas off the market.

This legislation also locks up the oil shale reserves in the West. What are the oil shale reserves? Well, some think it is the largest reserve of oil in the world. We still haven't figured out how to unlock it from the shale rock. But to the north of us, we have the tar sands that are very similar. It is going to take a lot of energy and a lot of heat to warm it up and get it out of there. I was talking to a Canadian company this morning, and in Canada they are now producing about 1.5 million barrels per day of tar sand oil. Their goal in a year or 2 is to be at 3 or 4 million. They have been working on that for a long time, because it was a process that they needed to develop and that they needed to refine. They needed to figure out how to make it work.

Now, it seems that we down here in the States ought to be working just as diligently on the shale oil reserves so that we would be energy independent. The lady from Ohio was just talking about dependence. What we are talking about is the issues I am talking about here. Taking the 9 trillion cubic feet away, taking the shale reserves out, will make America not less dependent, but much more dependent on unstable foreign countries.

I don't understand the lack of urgency in this body. We have not had an urgency in this body since I have been here that I think is adequate, because America does not realize that $82 oil might almost be a plateau upon which we can have spikes. If we have a storm in the gulf, it will spike. If we have a major sender of oil or a country we are getting a lot of oil from has any trouble with their government or any instability there or any kind of explosion in a pipeline or a loading dock, we can have $100 oil. And we know then we would be looking at maybe $3.75 to $4 gasoline. We currently don't have $3 gasoline in most of the country, some parts, but we soon will have, because $82 oil will be more than $3 gasoline when it catches up in the pipeline.

The legislation we have before us is making it very difficult to produce in the Alaskan National Petroleum Reserve that was set aside a long time ago. The rules are being changed. They are making it harder to permit. They are making it harder to produce there. That is a $10 million oil reserve.

Then this one is the one that surprises me. I know a lot of Members of Congress hate oil companies, hate big oil. But we passed legislation here in the Senate, it is not law yet, thank God, that increases the taxation on anybody who produces energy and processes energy by 5 percent. So any company that produces energy in America will pay a 5-percent higher corporate income tax than anybody who manufacturers anything else. Now I don't know why we would do that. I know they want to get at the five big oil companies, but probably 75 to 80 percent of the production is not by big oil. They are the processors. They are the refiners. They are the marketers. But there is company after company that are investing billions in America and billions around the world to produce energy that are not big oil. They don't market oil. They drill and produce and move and transport petroleum and other products to the marketplace. Well, we are causing them to pay these taxes.

I have two refineries in my district still. One is a Penn grade crude refinery, American Refiners in Bradford, about 10,000 barrels a day, just a small refinery. They are going to pay 5 percent more corporate taxes than any other business in Bradford, Pennsylvania. Is that fair? No. That is not fair. What will that do? That will make energy more expensive, not less expensive. It will not encourage people to produce in this country. It will encourage them to produce in other countries so they don't have to pay it.

United Refinery in Warren, Pennsylvania, that gets Canadian crude, gets it under the lake; it comes under the lake in a pipeline. It is a very good refinery. It has been growing about 70,000 barrels a day now. It is a company that I am very proud of and have worked with for years. They are going to pay 5 percent more corporate taxes now if this becomes law. That will make it more expensive for them to produce the gasoline and fuel oil for our people. Who will pay that? The consumers. We will pay that.

Also, the language that we have been working on, I was fortunate in the energy act in 2005 to put an amendment in that took away redundant NEPAs. Now, NEPA is a study. It is an environmental assessment that is very important that we do before we do anything on public land. Well, those who oppose the production of energy, and that is a lot of people in America, who don't want us to drill for oil, who don't want us to drill for gas, who don't want us to dig for coal, don't want us to use fossil fuels, and don't want nuclear, so they fight it. They fight it in the courts.

□ 1915

They use processes to make it difficult. I had people telling me in the West they had leased 6, 7 years prior and were still unable to drill a hole in the ground and bring any oil or gas up. It was because they were being caused to do a NEPA study for every step in the process.

Now, a NEPA study is a complete environmental assessment, and it's appropriate. But should you do five or six NEPA studies before you can drill for gas or oil? I don't think so. I don't think that is fair. That is just about delay. That is not about environmental protection. That is to prevent the production of energy.

I don't understand, because when you look at the chart, and let's look at it, we are using 40 percent petroleum, and currently 66 percent of that comes from, as the gentlewoman from Ohio said, foreign, unstable non-democratic governments that you really can't depend on.

Natural gas is 23 percent of our energy. That is the one that has been increasing. About 12 years ago we took away the moratorium on using natural gas to make electricity, and now 21 percent of our natural gas makes electricity. We now, for the sixth year in the row, have had the highest natural gas prices in the world. That has been a serious problem for business and industry, our job creators.

Dow Chemical, the largest chemical company in the world, in 2002 used $9

billion worth of natural gas. That seems like an incredible figure. Four years later, in 2006, they spent $22 billion. That's $9 billion in 2002, $22 billion in 2006. In four years, $22 billion, because the price of natural gas had spiked in this country, higher than Europe, higher than all our competitors, five to six times higher than South America.

Natural gas prices have been one of the biggest drags on the American economy, because we use it to melt steel, we use it to bend steel, we use it to make aluminum, we use it to make ethanol, we use it to make hydrogen, we use it to heat our homes. In the petrochemical business, which Dow Chemical is in, they use it as an ingredient. Fertilizer, it's an ingredient; plastic products, it's an ingredient; polymers, it's an ingredient.

So natural gas is not only a fuel, but it's an ingredient. The face creams that we all like, the skin softeners that keep our face and hands soft, that is a direct product from natural gas. Natural gas is the finest product known to man to make things with.

Then we have coal. The bulk of that is used to make electricity. I had a gentleman ask me the other day, how are we coming on coal to liquids, coal to gas?

Well, we are not. In World War II, Germany fought us with liquids made from coal. It was called the Fischer-Tropes process. We have paid many universities in this country and researchers to come up with other ways. There are numerous ways now to make liquids. We could make jet fuel, we could make gasoline, we could make diesel out of coal. We have not refined it and we have not made it cost effective, but we know how to do it. We can make natural gas out of coal. But there is such an anti-coal sentiment in America, because it produces carbon in the air.

I said to the person, there have been groups in the Senate and there have been groups in the House trying to put pilot projects or some way of helping push the ball down the road for coal to liquid and coal to gas so that we can be less dependent on foreign oil, but not one of those has even come close to having a vote to get in any of the energy packages that are moving.

We have clean coal technology to make electricity out of coal. It's much cleaner than the old processes. But there are those who think today they probably couldn't build one of those plants because there is such opposition. Though we are the Saudi Arabia of coal, it's kind of sitting on the sidelines.

Eight percent of our energy comes from nuclear. Since the Energy Act of 2005, thirty-some companies have put in plans and requests for permitting of new nuclear facilities, and I think all on existing sites, expansion of current plants and new plants. In fact, I see the other day that the first two permits to come in to build a completely new reactor, not just additions, have come in.

But the 35 permits we have in process, I am told by the industry that by 2020 we need them all to just keep nuclear at 8 percent of our electric generation, because our electric use is rising so fast that we need to grow nuclear or nuclear won't be 8 percent; it may be 7 percent, then 6½ percent.

Hydroelectricity is not growing. Clean energy, no pollution, but there's great opposition. You couldn't build a dam in this country today; that is not allowed. So hydroelectric is just where it's at, and that percentage will continue to shrink. As the use of electric goes up, this will go down to 2.5, 2.3, 2 percent. We have lots of dams in this country that have not been harnessed, and there's been a real resistance.

The only good news on the chart is biomass, which is wood waste and things, pellet stoves, people heating their home from pellets. You have factories heating in the woods where we have lots of forests and mills where we process wood. They use it to heat the boilers to heat the factory. They use it to top off some of the coal plants, which allows them to meet air standards. It may be 80 percent coal and 20 percent wood waste. Biomass has been growing. Of course, down the road we hope to get into cellulosic ethanol. I will talk about that a little later.

Geothermal is a very good form of energy, but a very small percentage. We use that by using the ground temperature, whether we drill into wells and use the well water, or whether we put a loop system in deep enough that you have the ground temperature and you take heat out in the wintertime and take cold out in the summertime to cool your home or heat your home. But that is a very expensive investment and is usually done in new construction, and it is pretty disruptive to do it in an existing neighborhood.

Wind and solar are the two sexy ones. They get a lot of talk, and there are a lot of things going on there. But we see the percentage. If we double these percentages, even if we triple these percentages, we are not to 1 percent. These are very small numbers.

We all like them because they are clean. I shouldn't say ''we'' all like them. We had a bill introduced this year that was introduced in the Resources Committee that said if a bird was found at the foot of a windmill, it was going to be a criminal offense. I think that language was removed in the bill that moved. But that shows you that someone is not very pro-wind, because birds and bats will occasionally get in that path and hit those blades.

But these two, what the problem is, when the wind doesn't blow, we have to have a natural gas generator to turn on. That is what we do. Then solar, when the sun doesn't shine, we have to have a natural gas generator to turn on. When you add these up, wind and solar and geothermal, you are less than 1 percent of the overall energy mix. No matter how much we increase them, they are a fraction. It will be a long time before they are real numbers.

So what does that mean? That means whether we like fossil fuels or not, we must have more petroleum, we must have more gas, we must have more coal, we must grow nuclear, we should be growing hydroelectric. Biomass is the only one that is really showing much growth.

But I want to tell you, the environmental groups in America that are running energy policy, and certainly today in this House, are anti-petroleum, because you drill a hole in the ground. They are anti-natural gas. I don't understand that one, because natural gas is a clean gas. There is no nitric oxide. There is no sulfuric acid. There is one-third of the CO_2, if you are concerned about CO_2. It is really the green field.

In my view, the only way we will survive or prevent a crisis in America on energy is if we really pull the stops up and open up every natural gas field we can until we can develop some of the renewables, until we can find other sources of energy.

We have ethanol. Ethanol now, in 2006 we produced 5 billion gallons. This year, we are at 6 billion gallons. So we are growing. Our ethanol is made out of corn. Brazil's was made out of sugar cane. That was cheaper to make.

To make ethanol out of corn, you have two processes. You have to take the starch and turn it to sugar. Then you ferment the sugar and make the ethanol that you use as a fuel. So it is a dual process. Ninety-five percent of all these plants are fueled with natural gas. So we need natural gas for that.

Natural gas, like I said, is the only fuel that can really prevent this. We have a lot of petroleum being produced in this country, but we can never be self-sufficient. People who think we are going to be independent are just talking.

Natural gas, we can be self-sufficient, we can keep moderate prices. We can expand natural gas use in our auto fleet and save a lot of oil with natural gas, in my view. But natural gas is looked at just like oil. You have got to drill a hole in the ground, and you must not do that.

In my opinion, from the administration on down, there are really no strong proponents of coal. There are Members of Congress that are strong proponents, but certainly far from a majority. And I don't look for any progress on coal. I don't look for any progress on petroleum. I have not given up on natural gas, and I will talk about my bill in a moment, because we believe that natural gas is our only hope of diverting an energy crisis in America.

What do I mean by an energy crisis? I mean oil prices where we cannot afford to compete. The problem we have today, Americans are struggling, the poorer Americans are struggling, by the time they heat their homes this winter, drive their cars, to have adequate funds left for health care and

food and all the other substantives of life. Energy prices are going to make it very difficult on the poor in this country as they continue to rise. But even worse, and I know people don't care as much about companies, but companies and businesses who are employing us, they make up the payrolls. They give people a chance to make a living.

We have the highest natural gas prices in the world; and when our companies are paying the highest prices for the fuel they use to make products, then they are not competitive in the world marketplace.

We have lost more jobs in America than we can count. We blame it on trade agreements; we blame it on lots of other things. But the last 6 to 7 years, natural gas prices were between $1.77 and $2 for years, we had a couple of spikes in the seventies and eighties, and then the climb started. Then came Katrina. Now we are up in the $7 and $8 figure. With a storm in the gulf, we could be back up to $14 or $15 again, because as we enter the heating season, we are at the low ebb of the year, about $7 per thousand, but a lot the gas that is in the ground for this year's use, we paid $8, $9 and $10, because we put gas in storage all for the winter usage. I don't know what the average price is coming out, but most of the utilities have told us 9 to 20 percent more for heating a home with natural gas this year, depending on which utility you are on, when they bought their gas or how they bought their gas.

So we are looking at a measurable increase. We are looking at a real spike in fuel home heating prices, because $82 oil will be the most expensive home heating prices we have ever had. Propane comes from both, so propane will be somewhere in the mix. It is always more than natural gas. So the cost of heating our homes this year will be very important.

Now, let's bring up the chart on what we think is the solution, the best thing we can do.

Here is a picture of this country. You could also have some great big blobs in here where we have locked up huge resources of natural gas and coal and oil that are on public land, because in the West, the vast majority of the land is owned by the Federal Government.

But where we are different than any other country in the world is we have chosen to lock up our Outer Continental Shelf. What is the Outer Continental Shelf? Well, Mr. Speaker, that is from 3 miles offshore to 200 miles offshore. Every country in the world produces a lot of their oil and gas out there, because it is very prevalent.

Now, we produce in just a small piece in the gulf, and we get 40 percent of our energy from there. This small area down here is what keeps America alive. Otherwise, we would be importing 80 to 90 percent of our oil from foreign countries.

I just find it amazing that we have chosen as a country that we are just not going to produce more. Maybe 10 years ago when gas was $2 a thousand and oil was $10 a barrel, it may have been a smart argument, let's buy theirs while it is cheap and save ours for when it is expensive.

Well, we are still saving ours. We have $82 oil. We are still saving ours. I think if we had $90 oil next month, we would still be saving ours. I have been here awhile. We have been trying to open up this for a number of years. We had a successful bill last year, but we didn't have success in the Senate. But it makes no public policy sense to not be producing oil and gas off our Outer Continental Shelf.

□ 1930

It is the safest with the least environmental impact. The sight line from shore is about 11 miles, so when you are past that, you can't see it. The commotion caused from a drilling rig, a thousand drilling rigs, is less than one storm as far as turmoil on the ocean floor. And there hasn't been a major spill of oil except for the one in Santa Barbara in 1969.

The technology of today is when a storm comes or there is a problem, the valve of the rig on the ocean floor is electronically turned off. When we had the tremendous storms in the gulf several years ago, we had very little spillage because when the storm was coming, they turned off the valves. If the platforms move, the rig is ruined, nothing happens. We have always had more spillage in the ocean from hauling oil in tankers than from wells. But we don't prohibit tankers because then we wouldn't have any oil.

I don't understand why we are financing all of these countries in the world by being dependent on them. They are not our friends. They were the ones that sent those here on 9/11, but we are funding them with these huge oil costs and we just plain will not use our own. There is no good reason why we couldn't be producing a lot more of our own energy, totally self-sufficient in gas, stable prices and competing with the world with all our manufacturing. We can help oil prices in the world by supply, but we cannot dictate them because we are not that big a player unless we learn how to use our shale oil down the road, and then we could say good-bye to the foreign imports.

But it seems to me that we ought to be opening up the OCS. That is the simplest. And my proposal is pretty simple. We are just going to open it up for natural gas. We are going to say the first 50 miles, that is up to the States. Only if the State wants to open it, can they. We are not opening it.

The second 50 miles would be open for natural gas only, but a State would still have the ability to say no. They could pass a law in their State and say Congress, we don't want this open. Then it would be protected for 100 miles.

For the second 100 miles, our bill would open gas. I would like to be opening oil out there, too, because that is so far out, there is just not an environmental problem. But we are just asking for gas because we think gas is more of a crisis than oil because we are going to lose more jobs in this country because of the highest natural gas prices in the world.

Mr. Speaker, $80 oil is pretty painful, but it is painful to the whole world. That is the world price. When we have gas that is twice and three times and four times what competing countries are at, we are at a disadvantage.

We have lost half of our fertilizer industry in the last 2 years because of natural gas prices. We are losing our petrochemical industry. Those are some of the best jobs left in America. We are going to be losing our polymer and plastic jobs because of natural gas prices. It just seems to me that we really, really need to change our attitude in this country and say let's be more independent.

Those who tell you we can be independent are not being honest with you. I don't know of any way we can be independent. We will also always be dependent on foreign energy in our lifetime. Maybe some day with new forms of energy or new ways of powering vehicles and new ways of lighting and heating our homes, if we can do that, some day we might be. But all of the things that we are working on are still on the margins. We want to grow them all. We want to move them as fast as we can. We want all of the renewables that we can get. But those who tell you that renewables will take care of even the growth in energy needs are not being honest with you. And those who say that renewables displace oil and gas and coal needs in this country are not being honest with you because they just can't.

We need to have the OCS opened up. We need to promote all of the renewables we can. The President is promoting cellulosic ethanol. We are at 6 billion gallons of ethanol, and they want to get to 35. That is a big jump. I don't know whether we can get there. They want not to just be corn. And I noticed today corn prices are approaching $4 a bushel again. When we started making ethanol, corn was less than $2. Nobody knows where it is going to be when we go through another season because there are a lot of ethanol plants being built. We will have a lot more capacity a year from now to make ethanol.

There are problems with ethanol. It takes a lot of energy to make it. I am not opposed, but it costs a lot to make it. And one of the problems is that ethanol cannot be put in a pipeline system where the vast majority of our energy is put out to the stations. We have to blend it at the station or blend it at the distributorship and haul it in tankers because it has a corrosiveness to it. So unless we change all of the pipelines in the country, ethanol has a serious problem that we have not been able to overcome yet. We have to haul it separately and then blend it at the station

in a tank. So it has a distribution problem.

The President wants to do cellulosic ethanol which will be from any kind of waste material. It could be from wood waste when you ferment it to make it. Or it could be from garbage, which seems to make some sense. It could be from things like switchgrass and cornstalks and any kind of cellulose, cellulosic ethanol.

The problem is that it is still in the laboratory. We think we have about got it to where we can make it. They are funding six plants which are going to be experimental. I am for that, but I think we should be doing the same thing simultaneously with coal. Taking every process we have to make liquids from coal and refining it, improving it so we can do it in volume down the road. Coal to gas and coal to liquid, every measure we know, we ought to be refining those and getting those to where they will help us to be independent.

And we should be continuing to promote nuclear. The nuclear we have on the drawing boards will keep us from losing percentage. It will not help us grow, but we need to figure out, and that may be one of the biggest mistakes we made, if we are really concerned about CO_2, we certainly should be for nuclear power plants.

But we need to be doing all of these, Mr. Speaker. We need the OCS open. We need that clean, green natural gas, affordable and available to heat our homes, run our businesses, and manufacture products so we can compete in the world marketplace. We need clean, green natural gas as well as cellulosic ethanol, as well as all of the renewables, as well as coal to liquids, as well as coal to gas, and as well as clean coal technology and more nuclear plants.

A lot of our competitors, like China and India, they are buying up reserves of oil and gas all over the world. They are building coal plants, coal-to-liquid plants. They are building hydrodams. They are building every form of energy there is at breakneck speed. We as a country are sitting here on our hands twiddling our thumbs, actually today moving in the direction of less available energy, which will make us more costly and more foreign dependent.

The legislation that we have before us, if it becomes law, I think will speed up, and we have been gaining in dependence on foreign oil about 2 percent a year for the last 10 years. I think we will speed it up to 3 to 4 percent a year if we go down to the road of taxing oil more, of taking major plateaus and major reserves off the table, refusing to open up the OCS, our dependence will grow. When you are at 66, you don't have to go very far to where you're three-fourths, and then you are 80 percent and the rest of the world will just plain own us because they today, OPEC today sets the price of oil. Five years ago they didn't. They had lost their grip. But today, they set the price of oil.

Imports. This is not quite up to date. I am going to have to get a new chart with 2 more years on it. But we are back on a steady climb. I predict it won't be very long until we will be at 70. And if we pass the legislation that is before the House and do nothing else, do nothing to open up, do no OCS, do no Alaskan, and continue to take much of the Midwest out of the picture, continue to lock up more reserves, we will be 70 and climbing towards 75 at breakneck speed and America will be dependent for their total economy, for the ability to heat their homes and manufacture, on foreign, unstable nondemocratic countries who will actually and literally own us. That's not the America I want for my grandchildren and for your grandchildren. I want an America that has a sound energy policy that produces oil, produces gas, produces coal, moves into all of the renewables and does more on conservation.

I haven't talked about conservation, but prices are going to force us to conserve. There are many who want prices as high as we can get them so we will use less energy. Well, they are winning. And I am going to tell you, energy prices this winter will be the highest they have ever been, and we will be dependent on weather as to how high they go.

Major storms in the gulf, major cold weather where we consume a lot of heat, will set prices far higher than they are today. We are not in control. The weather and unstable parts of the world will dictate what America does for energy.

CONSTITUTION CAUCUS

The SPEAKER pro tempore (Mr. MCINTYRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank you for the opportunity to come to the floor tonight as we wrap up this week's session in Congress. It was just last week, Monday, the 17th of September, when we celebrated the 220th anniversary of the signing of our founding document of this country, the Constitution. It was on September 17, 1787, 39 revolutionary and visionary Founding Fathers changed the course of history in this land and the world as well.

It came about after months of deliberations. What they did was succeed in securing liberties and freedoms that were, quite honestly, unimaginable to previous civilizations. I should just note, to commemorate this and honor the civilization's most ingenious governmental guidelines that we recognized last week, I introduced House Resolution 646 to that end.

Tonight I come to the floor, as we do often as part of the Constitutional Caucus, to raise up the issue of the Constitution, that seminal document, that document that we should be looking to each and every day when House Members and Senate Members come to the floor after having deliberated various issues and bills, and taking out of their pocket their voting card and sliding into that slot, to ask themselves: Is what we are about to vote on constitutional? Is it within the confines of the Founding Fathers' document?

Tonight I am joined by my colleagues, the gentleman from Utah (Mr. BISHOP) and the gentleman from Iowa (Mr. KING), and I believe shortly the gentlewoman from North Carolina (Ms. FOXX) as well, as we deliberate and discuss the issues of the Constitution.

We do this for several purposes. It is an illuminating event we believe both for Members of Congress and also for the general public as well, an opportunity to explore and expand and expound upon this important document. Because if we lose that, if we lose that as a guiding principle, obviously there will be nothing as a guide for us or a restriction into the role we are elected to abide by.

Tonight we will touch on various issues, all within the confines of that document, but we are generally going to stay within the area of voting. Some legislation that we have looked at in the past, and I will probably touch upon a little later on, and some legislation that is coming down the pipe fairly shortly, to address some of the issues that people have raised throughout the country with regard to the veracity of past voting patterns in this country.

□ 1945

So at this point, I would like to turn the microphone over to the gentleman from Utah (Mr. BISHOP) for his comments, who I always appreciate Mr. BISHOP's insight.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the gentleman from New Jersey for helping to organize this, as well as talk about these topics, and every once in a while to take the process that we probably should be doing more often and simply review our actions and see if they deal with some type of philosophical basis.

When the Founding Fathers established this country, they established a Federal system with the understanding that certain powers and responsibilities would be given to the national level and certain powers and responsibilities on the local level.

Now, this was not done in some random process. They took the time to try and figure out which would best fit in which category, realizing there are some tasks of government that naturally would be better done if they were done on a unified level, and certain other responsibilities that would be best performed by local government.

One of those that they decided would be better performed, and I should say best performed, a superlative, by local government was the manner of elections. And they clearly realized that if elections were the purview and responsibility of States that they had a better opportunity of being effective and

less chance of being corrupt in so doing.

Some of our European allies when they restructured their governments after World War II also did the Federal system; and once again they divided powers and responsibilities between national and local levels.

And one of the powers and responsibilities given to the local level, for obvious reasons of effectiveness and lack of corruption, was that of the manner of elections.

The State of Utah, I'm very proud to say, had wonderful registration rolls when I was in the legislature and in a leadership role there, and actually our voter registration I thought was fairly accurate. That's the reason we do have voter registration anyway is to prevent fraud.

In the 1800s, we talked about this wonderful process of everybody voting in America, but we don't really know how many people actually voted, only the number of votes that were tabulated, for we had in history this process or this individual known as a floater who was paid between $5 and $20 per vote. In fact, I have to admit within my own family one of my ancestors was given the day off with pay to vote. He voted in his workplace, took a train and went down to the capitol and voted a second time, and then went home and wrote about how he voted a third time. The reason we have voter registration is to prohibit that today.

I was in the leadership in the legislature when the Federal Government in its wisdom came up with the Motor Voter Act which took our wonderful rolls and registration systems and bloated them beyond compare. When we were able to purge voter rolls after 4 years, we now had to do it after 10 years. When everyone was asked whenever they got a service from the government if they'd like to register, and they couldn't remember if they registered or not, they re-registered them.

If you look at the number of people in Utah who are registered in a State that has the largest percentage of kids of any State in the Nation, the numbers don't fit of those who are registered and those who are simply eligible to vote. So I don't really know what percentage is voting. We're making guesses there.

The greatest thing of all in this entire program is the Federal Government gave us as a State the great privilege and honor of paying for it all ourselves. At that time I was sad the 17th amendment was in place because had it not been there and the State legislature selected senators, I can promise you that bill would have changed or our Senate delegation would have changed.

Then the Federal Government assisted States again while I was still back in Utah with the Help America Vote Act. Now, I have to admit that we in Utah did not have the problem of hanging chads as some certain southern States that will not be mentioned did have. We had a definition of what a vote was and was not, and we looked at every ballot of those punch cards to determine if it was a legal ballot before it was ever run through the system.

Our system was effective, it was efficient, it was cheap; but we complied to the Federal Government's assistance to make everything better with the Help America Vote Act. Now, the Federal Government did give us some money, but certainly not enough to pay for the entire system. So at great expense, the State of Utah and other States changed their election system at the dictate and mandate of the Federal Government. I have to say we may actually probably have a better system, but it's also a much more expensive system.

We now have a proposal given to us by Members of the Democratic side that would force another change in the system that has just established under the Help America Vote Act, another system that requires even my State, which has a paper trail system in place, to change it because we don't have the right kind of paper.

The reality is I think, and I think that the Constitution and our Founding Fathers would tell us, if you really want to have a good election system just get out of the way and let the States fulfill their constitutional responsibility of the manner of election, and there would be greater efficiency and less likelihood of corruption. We should not be micromanaging States. One size does not fit all.

The State of Utah, in a poll conducted by BYU, has a 95 percent competence in our system of government, which if the opposition bill were to pass would have to be totally changed, and we would once again bear the costs and burden of doing that.

Now, I know that our good friend from Iowa (Mr. KING) has another bill in that would probably address many of these issues and many of these problems. I think, Mr. GARRETT, if it's all right with you as the chairman of this caucus, if we were maybe to hear from the gentleman from Iowa at this time to at least express another way of getting around what appears to be another mandate that would change and add significant difficulty to States what they don't need: the heavy-handed help of the Federal Government.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlemen from New Jersey and Utah; and Mr. Speaker, it's a privilege again to address this House and you and talk about the integrity of our voting system that we have here in the United States.

I start my opinion and my view out on this focused long before the year 2000, but really focused on the 2000 election. I recall watching that drama unfold in Florida, and at the time, I was chairman of the Iowa State senate, State government committee, and I knew that it was my job to be sure that Iowa could be set up and structured in such a way that they never became a State like Florida was, going through the throes of those decisions that were being made down there by their State supreme court and ultimately by the United States Supreme Court.

It was an agonizing thing to watch, and I watched it intensively for 37 days in front of the television and my Dish TV, and everything I could pick up in all the print, off the Internet and my telephones. I worked them constantly because I knew the next leader of the free world was going to emerge from the system that Florida had, and that, of course, was the catalyst that created HAVA, the Help America Vote Act.

I came to some conclusions, too. I chased all those rabbit trails on the Internet down to the end, and I uncovered what I believe to be a significant amount of corruption within our electoral system across this country, flat out open, intentional fraud committed in a number of States without a lot of prosecution to back it up, kind of a blind eye.

I will speak one State discovered the laws were set up in such a way if you came in and presented yourself as Joe Smith, and even if Joe Smith was actually working the election board and knew very well that it was his registration you were pointing to and you alleged to be him, Joe Smith himself couldn't challenge the person who presented themselves as Joe Smith because the election laws prohibited challenging the identification of someone whom you know to be misrepresenting themselves. Can't ask for an ID, can't ask for a picture ID. You can't even prohibit them from voting in your name, and you can't ask for a provisional ballot in some States, and those kind of things open up this system.

So I came at this with a little bit different view than I think the gentleman from Utah has from this perspective. Yes, I want the States to have the maximum amount of autonomy. I want to see that in the hands of the States. I don't want the Federal Government to run this; but by the same token, a State that has a faulty electoral system, without true integrity then, also can be the State that chooses the next leader in the free world, which affects all Americans.

So if you could envision a scenario of Florida that resulted in an altered election result for the President of the United States, you can also envision an interest that this Congress has, but it should be very narrow. It should be very limited, and it should be consistent with our constitutional views.

The voter registration that the gentleman from Utah (Mr. BISHOP) mentioned, I looked across the voter registration rolls, Iowa in particular, and found them to be replete with duplicates, deceased, and in our State, like the case of Florida, felons. Duplicates, deceased and felons; and yet there we sat with all that software, that database with all those registered voters, and we couldn't even run that database to sort out when there were duplicates,

just simply leave the registration of the most recent activity. We couldn't even get that done.

I brought legislation through the Iowa Senate that required the Secretary of State to sort that voter registration list to certify that the list be free of duplicates, deceased, and felons and that the Secretary of State certify that they be citizens. Not a very high standard that they should be a citizen of the United States to vote here in America. Those things were all met with the stiffest opposition by the members of the other party, which convinced me that they believed that they had an advantage with a system that was full of those kind of contradictions and integrity, I can put it that way.

I recall running across a significant amount of information that was compiled by the Collier brothers in Florida, and neither of these brothers happen to be alive today, for different reasons I understand. But one of the pieces of their documents, and they did a movie and there's a fair amount of print material out there. They had gone into the warehouse where the vote counting machines, the punch card vote counting machines were stored, and they asked the fellow how is it that you rig a vote here. He said, well, it's simple. He opened the drawer and pulled one of the plastic gears out of there and said we just grind one tooth off of these plastic gears, put them in the voting machine, and that puts in one extra vote for our guy out of every 10 votes that are cast.

Well, that will change most elections, Mr. Speaker. Something that open, that blatant in the annals of the public record of the United States. And so HAVA was passed here in Congress, the Help America Vote Act, all with good intention. I think they went too far with HAVA then and provided a lot of help for the local election boards.

One of the things that they did was require that there be the electronic voting machines; and the purpose of that, one of the foundational reasons for that was so that they could be operated by the blind, which means they need to be able to plug in earphones into that machine so that you can listen to the tones and vote. There were a lot of successes in blind voting with absentee ballots, and that wasn't a concern that ever came to me; but it was an accommodation that actually was a significant component that altered these requirements that came out for HAVA.

So it would be nice to be able to accommodate the blind. They ask for very, very little. By the same token, it opened this system up now where we have electronic voting machines across this country where there is no legitimate means to audit the votes that are recorded on them. We have thousands and thousands of electronic voting machines that simply have a software trail, not a paper trail.

And as I mentioned about how the grinding a plastic tooth off of a plastic gear can change the results of the counting of the ballots, the punch card ballots in a place like Florida and many other places at that period of time, the software can do the same thing. We have something like 900 software engineers that have said that this software can be hacked, it can be altered; and of course I believe it can be.

Now, the most important point of this is one thing is that we to have a lot of integrity in our system, Mr. Speaker. It can be altered, it can be hacked; but if we got to the point where the American people lost their confidence in the integrity of this system, our entire constitutional Republic comes crashing down around us because no one would accept the results of an election. They would challenge it like they do in Mexico, or I was there last month, and the President of Mexico wasn't allowed to even give the state of the union address to their own congress because they had rejected the results of the election, among other reasons.

But here we respect the integrity of our electoral process. We held it together through the 2000 issues, and Florida cleaned up a lot of the things that went on down there. I need to say that for the benefit of my brethren from Florida. But if we ever lost confidence in this system, our entire constitutional Republic is at risk.

So whether there's a Republican majority or a Democrat majority, whether there's a Democrat or Republican in the White House, whether one side dominates the other side, it's important to both sides of the aisle that we have a maximum amount of integrity in our electoral process.

So what I have done is drafted legislation that's called the Know Your Vote Counts Act. It is very simple. It isn't this expansive thing that adds a lot of conditions on and makes it so that the voting machines that are out there now are obsolete and have to be retooled and cost a lot of money. What it does is it requires a paper audit trail in all precincts. So the electronic voting machines that are touchstone or touch key voting machines now can easily be retrofitted with a mechanism that scrolls that ballot out there so you can see it through a piece of Plexiglass, records your vote on it, and touch a button and say, yes, I like that vote, that's how I voted, boom, drops down into the box. That is part of the paper audit trail.

It's that simple. That's the purpose of my bill. The purpose of it is to give that voter the complete confidence that the way they have cast their ballot is also the way that that ballot is recorded on the paper which becomes the audit trail; and then if there is an audit, the paper ballots are counted. That simple.

I mean, in Canada they just put a little X on the piece of paper, count those pieces of paper, and really don't have a lot of problem. We need to have the paper trail because electronically you just simply cannot guarantee an audit trail.

And we've lived with some unreliable audit trails in the past. The old lever voting machines, I don't think any of those are actually functioning at home anymore, but I voted with those old lever voting machines, and I didn't realize at the time that you simply can't really do an audit. You can go back, take it apart, look at that entire paper scroll that's back there, but you really can't do a legitimate audit.

And when something falls apart, when you have a meltdown, when you have a software failure or a hardware failure or you simply have a challenge to the integrity of the system, you have no way, Mr. Speaker, of knowing whether the electronic record that may remain on that hard drive, no matter how many redundancies you put into it, you can never assure that it hasn't been hacked.

As much as you want to trust the system, you still can't be sure of that. The only thing that you can trust is paper. We designate paper to be the trail. We stay out of the business of the States beyond that, but I believe it is to the interest of the Federal Government and the Congress and the people in this country to go to that step to ensure that when the next leader of the free world is selected that it is done with a process that has a maximum amount of integrity and the minimum amount of imposition of regulations on the States.

□ 2000

One of these pieces of the whole bill versus the Know Your Vote Counts bill that is the King bill is that it requires also that not only there be a paper audit trail but that the machines spit out a receipt that tells you how you voted.

Once you walk out of the room with your little receipt like your credit card receipt that says here is how you voted, it has absolutely no connection to the process in the voting booth. It does you no good. It is simply an expensive component and serves no purpose, except I will say that there is no machine that is manufactured anywhere that I know of certainly in the world, certainly in the United States, that at this point can comply with the language that is in the whole bill.

So I am submitting, Mr. Speaker, the bill that is Know Your Vote Counts Act. It is a very, very simple bill that simply requires a paper ballot to be generated, and that that paper ballot be verified by the voter, and that that paper ballot becomes the audit trail. It is that simple. It is something we need to do. This is 2007.

So I thank you for your attention, Mr. Speaker, and I yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. And I appreciate the gentleman, if he has time for some queries on it as well.

Mr. KING of Iowa. Of course.

Mr. GARRETT of New Jersey. First of all, let me say I am impressed by

your opening comment, and I guess this is just a typical reflection of your dedication to an issue. Your opening comment was you began to look at this issue back in the year 2000, and here we are at 2007. And knowing your dedication to this issue, to the way you handle matters is that you have been looking at it ever since then and investigating it to make sure that you come up with the very best answer. So I commend you for that. This is just reflective of how you handle just about every issue that I have ever known you to deal with, that you stick onto it early on and then stick with it right to the end.

Before I play a little of devil's advocate with you on this, if I may, the gentleman from Utah is probably a better historian than I am. But it is interesting, when we talk about paper ballots and ballots in general, people today probably have somewhat of a misconception about the veracity or accuracy and the legitimacy, I guess you might say, of past elections in this country, way before we had those electronic machines today or the mechanical machines that you were referring to earlier. I know the stories from reading textbooks and school books and what have you is that election days in this country years ago were celebratory days more so than they are today. Nowadays, we have to really push people to the polls. Years ago, it was something people, I don't want to say, spontaneously wanted to do, but they actually were more excited about it.

Although, one of the ways I understand that they were encouraged to come to the polls was through town celebrations. And that is, in the county seats or that sort of thing, the candidates who were running for office would host large parties, and what would happen is people would come from the countryside and the hillsides and what have you into the county seat where they would be voting. And this would be a large celebration where food and beverages, I suppose adult beverages, as Rush Limbaugh would say, would be served, what have you, so it would be a celebratory time. People would come in and they would vote, and they would vote with, back then of course all there was was paper ballots, and many times the paper ballots were color coordinated paper ballots. And so if you were voting for STEVE KING in that election, you might be voting with a blue ballot, and if you were voting for SCOTT GARRETT, you might have the brown ballot. So it would be a way that actually going into the election booth there was no secrecy to it, because you would be getting your brown ballot from the Garrett campaign or the blue ballot from the King campaign, and you would be going in. And that would also indicate which party, literally, which party you came to, and then you would put it into the election box.

I don't know whether the gentleman from Utah knows those stories as well.

Mr. BISHOP of Utah. If I could just add a couple of those to it. It is true. When George Washington was first elected to the House of Burgess, he bought a round of drinks for all the supporters. And my students would obviously wonder, well, how do you know who his supporters were? The idea of a secret ballot is a pretty modern concept. In the good old days, when you came into the town centers you said, and when the vote was counted and they asked how many were for George Washington, they stood up. He saw who was voting for him; he knew they were there. Everything was an open process at that particular time. And that is why in England you stand for election; you don't run like we do. Because literally you could come up there in the election and you would have to stand for the election.

I used to watch these cartoons on Thomas Nast right after the Civil War. I saw one where there was this globe for which one Union soldier was reaching, I had no idea what it was, it was a clear crystal ball, until I realized what he was reaching for was a ballot box which was clear. And the gentleman is right, you would get a ballot from a campaign; you would go in there, and you would deposit your colored ballots so everyone knew. In fact, in New York City at one time, in case they were color-blind, they would perfume their ballots so you could smell it if you couldn't see it. But the idea of a secret ballot is something that is just recently here.

Mr. GARRETT of New Jersey. And on that point, how this ties in besides a history lesson, which I think is important as well, how it ties into one of your comments was one of the suggestions that has been made, and you touched upon it, was with regard to a paper ballot today would be either simply that you would have a single paper ballot that you would take with you when you leave, and that would be the only receipt. Or, I think you suggested both. In other words, a paper ballot would be made and printed that would go into a locked box, plus you would get a receipt to confirm how you voted. So there would be two.

The dilemma with either scenario, where you take a ballot out with you, goes back to what we are referencing right here. Now when you leave the poll, you have some document to prove how you just voted. Now, not to suggest that anyone in this day and age is paying people to vote, although we have heard such accusations, but of course without any documentation, someone can say, well, here is $25 to you if you will vote for my candidacy in the election. And of course the guy will take the $25 and come out of the election booth and say, ''Don't worry, I voted for you,'' and there is no proof that you did. If, however, there is a paper receipt, now you can come back and say, ''Well, here is the proof that I just voted for you or your candidate. Give me my $25.'' Or whatever the going rate may be in certain cities or elsewhere to confirm that I did. So I am not sure whether you have ever heard of that dilemma with that.

Mr. KING of Iowa. If the gentleman would yield. I think you have made the most salient point about the flaw in the whole bill, which there are two pieces of paper generated with every ballot. One of them becomes the audit trail that you can see through the Plexiglass, and when you push the button and say, I accept this as my vote, and it drops down into the lock box for the audit trail. And then of course the chain of custody of all of that is another subject we can talk about.

But to walk out of there with a receipt that says ''I voted this way'' does open up the door for the walking around money that we know goes on in some of these precincts to be handed over in exchange. And I can see where subcontractors could be hired to work within the neighborhoods, that you would pay a commission on how many ballots or how many receipts you could collect, so many dollars a vote. And you could say, okay, it is $20 for a vote and my commission is 5 bucks. So $25, $5 of which the contractor would get; that opens up the door for all kinds of vote buying. And that is the strongest, most compelling reason to reject the whole bill. And I will have this bill in and it will be available for Members to sign on to, and hopefully we can move it on the Know Your Vote Counts Act. It is a very much more narrow bill.

But there was another component that I left out of that in my earlier piece that I just want to inject into this discussion briefly. And that is, I said that we needed to have voter registration lists that are free of duplicates, deceased, and felons, and, that the registrants be certified to be citizens on that list. But also, the requirement for a picture ID. I mean, they do that in places like Venezuela, a picture ID to go and vote, and that is a method by which you match up the name with the name on the registration. It is a small thing to ask for. And when I advocated for that, I ran into the opposition that said, well, no, that is a poll tax because everybody doesn't have a picture ID. My grandmother doesn't have a driver's license; therefore, she doesn't have any way to identify herself with a picture on it.

Well, I would argue that the Department of Transportation will issue one of those picture IDs for $5. But then that is charged to be a poll tax. And every argument will work in any port in a storm, but if you want integrity, those are the things you have to do.

Mr. BISHOP of Utah. I appreciate what you just said, because almost everything you are trying to explain in kind of a system that would work happens to be exactly what we are doing in the State of Utah without having the Federal Government tell us how to do it. So we do have that voting system where you do see the paper ballots there, and you look at the paper trail

that is there as well as the actual touch screen, and you are asked if the paper is what you want. You don't take it with you, but it is there as part of the audit trail.

And we actually do require picture IDs when you come into vote. And even I, in my voting district, in fact literally the lady who lived across the street from me was there and I still had to produce a picture ID before I could get my card to go vote.

One of the problems, though, that I see and one of the reasons why we need an alternative to what the bill that came out of the committee is, simply, even the State of Utah would have to change its process, even though we are doing exactly what they want, because it doesn't fit the kinds of machines that are mandated, it doesn't fit the kind of paper that was mandated, it doesn't fit the kind of audit process that is mandated. This bill tells you what to do with long lines, it tells you what to do with provisional ballots, it tells you what to do with recounts, and it says you have to do it now.

And that is one of the reasons why I am grateful there are some other options out here, because the bill that may be on the floor, the bill that did come out of the committee, the bill is simply flawed in many ways, and it is simply flawed because, once again, it has the mindset that the Federal Government is going to tell you how to do things in the most intricate way of micromanagement. And that is one of the flaws we have. This country is never supposed to be micromanaged from this body.

Mr. GARRETT of New Jersey. And the gentleman from Utah made a passing reference to the 17th amendment earlier on, and then I will yield back to the gentleman from Iowa. But just to illuminate on that point, originally the Founding Fathers of course intended that the other body, the Senate, would be elected not by direct vote but by the legislators of those States. And the idea behind that was probably to address the point that the gentleman from Utah just made; that the various States, such as Utah, which is probably ahead of the curve in just about every facet of running a government that we have seen so far, based on his testimony and previous evenings, the State of Utah prior to the passage of the 17th amendment would have elected their U.S. Senators through their State legislators. That Senator many times would have come from the Utah State Legislature prior to coming to Washington, would know what Utah was doing, and would have a personal stake or a local interest in maintaining the integrity and the sovereignty of that State. Likewise, from Iowa or New Jersey as well.

Obviously, the 17th amendment changed that, so now the U.S. Senators are now directly elected by the citizens of the respective States, and you break that bond between the sovereign issue that a legislature may have had. And you may have seen that reason on this issue coming from the bill from the other side of the aisle that we are talking about here, or some of the other issues that we have talked about on the floor as well as Congress begins to exceed its bounds and actually sees no bounds with regard to our control in every aspect of our lives.

Earlier today, just to digress for a moment, we voted on the flood insurance bill and we were going to expand into a wind map plan and for wind insurance as well. Basically, the Republican side of the aisle voted ''no'' on that bill, primarily because they said we would be exercising outside and pushing pressures on the economic forces that are already there providing that coverage. And really, the question is as I said at outset of my opening comments, and they often do when you put your card in here to vote is, does the Congress have that authority? Prior to the 17th amendment, a U.S. Senator would say, no, we have that authority in our own States to handle the regulation, whether it is insurance or otherwise, and want to confine ourselves to confine the Congress or the Senate to the areas that the Founding Fathers intended. Voting, of course, is a carefully construed area in the Constitution, and I will just close on this before I yield back to the gentleman.

Earlier, there was another issue, and I know the gentleman spoke quite a bit on this issue several months back. This House had another heated debate, if you will, when it came to a voting issue, and that was whether or not we would give voting rights to the citizens here of the District of Columbia, and I know the gentleman from Iowa also, I believe, came to the floor and spoke extensively on that topic.

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And the answer to that issue, as much as the other side, just as on this issue, just as the other side would like to stand up on this issue and say, well, we have the infinite detail and plan to the finite level to the Nth degree on how to do this issue that we have before us today as far as every little nook and cranny has to be covered on voting. They said the same thing when it came to the D.C. voting rights as well. We know what is best and how to implement that program and voting rights for the District of Columbia,

And well, may they should or may they did; what they didn't seem to do with that one, nor apparently did they do in this case as well is look, as you and I would suggest they probably should have, and I think you discussed it at the time, to a copy of the U.S. Constitution. And had they done so, they would have realized on that issue, I'm not going to redebate that issue, but had they done so, they would have realized that the Constitution specifically addressed the issue of the District of Columbia and how it should be set up and how the control of the District would be. The Constitution also defined who is a citizen in terms of voting and who is a representative and that he would come from a State. And of course this is not a State. So all you really have to do on many of these cases is look to the terms of the Constitution, and they begin to answer some of these questions.

But I have a question for the gentleman from Iowa, again just to look at some of the finer points to it. You raised the issue of actually having a piece of paper, a trail, if you will, and you raised the question whether or not we can trust the electronic aspect of the machines and what have you. Just to be the proverbial Devil's advocate with you, some people would suggest that, well, for our entire financial system in this country nowadays, we look to electronic transfers and what have you and we rely on that nowadays, as opposed to paper ballots or paper documentations.

And likewise, there is another suggestion in this area, whether it comes from Congress or it comes from the States, as opposed to a paper ballot, but an electronic receipt, if you will. And I'll just give you one of these and then I will close.

One of the suggestions for an electronic receipt would be not a written message that I just voted for a Steve King, but an electronic voice activation message that I just voted for Steve King. So instead of going into the ballot booth, and I don't know whether the gentleman's ever heard of this proposal before, and pushing the button and clicking down on a piece of paper, electronically it would record and you would hear, vote for Steve King for U.S. Senate.

Would you see any of those as alternatives to this as we move into the electronic age to be an equal or sufficient record?

Mr. KING of Iowa. Well, Mr. GARRETT, first, I think in terms of if I needed to follow an electronic trail of, let's say, if I made a deposit that was an electronic deposit into, maybe it was an electronic automatic deposit into my bank, and the distributions that went out from automatic payments that go out of the bank, and in conjunction with credit card bills that flow around the country and come back, a full electronic trail, I have not run into an experience where I can't actually track all of that money, because someone is accountable at every level.

If the deposit doesn't show up in an automatic deposit, I can go back to the people that were to make that deposit, say, do that in the form of a paycheck or a purchase item. Well, where's your distribution record? Where's your transfer records? And if they don't have any, one can presume they never transferred the electronic deposit into my account. If there's money missing from my account, I can track and see where did it go. But I can have that confidence of doing that through the banks, through the credit cards without a lot of problem.

But we never know. We never know how a person actually votes. That secrecy of the way you vote cannot be tracked. Once you walk out of that voting booth, there's no connection between the voter and the actual ballot that was cast. So that requires a different level of integrity. And as far as an audio receipt that would say to you I just cast a ballot for SCOTT GARRETT, I ask, do you agree with that and push enter and walk out of there, the audio receipt that you might hear or electronic receipt that you might hear, does not preclude a hacking that could register a different kind of result. Those are the reasons why I track an audit trail, a paper audit trail.

And I would submit also that this bill that I have, the Know Your Vote Counts Act, is very, very simple language. And I want to applaud the folks in Utah and anyone who's mirrored their leadership for the integrity that they've put into their system with a picture ID and a paper audit trail. But it simply says the system shall provide an auditable paper record showing the vote that was cast and recorded by the system. And so the paper is the audit trail. And we don't prescribe how that is actually transferred, the records are transferred. That's also part of the whole bill. Requires certain methods of transfer of those records from the precinct on to the county and there on. We don't interfere in that. We just say, paper audit trail. Produce it. You can retrofit the existing machines.

I actually like the optical scanning ballots where you fill in the dot. And those have the, as far as my understanding of the technology, and I have looked at a lot of it, the highest level of accuracy. And we also have the auto mark ballots that will take the ballot, the paper ballot on the screen and you can push the button and it'll actually fill in the dot on the paper, and then that paper becomes the audit trail as it goes through the scanning device and counts the ballots.

So I'm for those things that are simple. But I do also know that human beings are fallible, and we need to have an audit trail for the machines that might well fail us and the people that might well fail us, and we need the highest accuracy that we can get. I think this bill provides this. And I do think they've got to get it right in Utah. Of all the things I've written for letters and articles, I must have sent one out there some time a long time ago and you guys picked up on that. No. I really want to compliment Utah. You've driven that yourselves for good reason, and I appreciate that, and I appreciate the fact that you have yielded to me, Mr. GARRETT, and I'd yield back.

Mr. GARRETT of New Jersey. I appreciate the gentleman from Iowa and your comments as well. And at this point I would like to yield sufficient time as she will consume to Ms. FOXX.

Ms. FOXX. Thank you so much. I appreciate the leadership that the three of you have given to this issue tonight and appreciate the opportunity to be involved with this discussion. I'm so pleased to be a part of the Constitution Caucus and am glad that we have the opportunities that we have to bring up issues as they relate to the Constitution and to provide an alternative. And we've had lots and lots of opportunities in this session of the Congress so far.

I appreciate your mentioning voting rights for the citizens of D.C. I think that that bill having passed out of the House has to be one of the worst things that's happened in this House in a long time because it's so clearly unconstitutional. And I think, again, that it's up to us constantly to be reminding the people of this country and the people of this body that we take an oath to uphold the Constitution, and that is our primary responsibility. And when Members of this House don't follow their oath, then it's important for us to talk about it.

I am opposed to H.R. 811 for many reasons. I support its main goal, which is to create a paper trail. I think having a verifiable record of how a person voted is important. But this bill is extraordinarily flawed. Number one, it creates several new mandates on States before the 2008 election. It forces States to meet totally unrealistic time lines that cannot be met. It's an example, again, I think, of the arrogance of this body in this session. I think that one of the things the Framers of the Constitution and the Founders of this country feared so much was too much control by the Federal Government.

And what we are seeing happening in this session of the Congress is more and more control being taken over by the Federal Government, and more and more decisions being pushed into Washington, as opposed to being pushed into the State, or being left at the State and local levels. And my colleagues have talked a little bit about that as it relates to different States have given some historical background on how things have been done in the past. But I think, again, it's important that we acknowledge that our government governs best that governs least. And the more decisions that we leave at the local and State levels, the better off this country's going to be. And if we know that, we know by numbers too. We don't even have to try to prove it from a philosophical level.

Twenty-seven States, including North Carolina, that I represent, have already implemented their own paper trail system, and another 13 are currently considering legislation. We should allow the States to do this and do it the way they need to be doing it. I have heard nothing but negative comments about this bill. Nobody has contacted me asking me to support it. And many groups that have a vested interest in this issue have contacted us. Most of us have been contacted by the Election Technology Council, and they've said that it would take 54 months for proper research development and implementation on machinery requirements to get this bill into effect, and there's only going to be 15 months.

We've had problems since 2000 in terms of verifying various elections in this country. This bill would be a nightmare if it were to pass, because the local election boards would have great difficulty with implementing it, and it would call into question all kinds of elections, I fear, and create chaos at the local level. We don't need that. The feeling of the American people right now toward Congress is, their opinion of us is the lowest it's ever been. And we don't need to be doing things to give them an even lower opinion of ourselves. What we need to do is get out of the way and not engage ourselves in activities that we have no business being engaged in. This is not something that we need to do from a point of view of the Constitution. It is something that should be left at the local level. It is not something that we need to do in terms of financing. It's going to be a very, very expensive proposition. We do not need to be adding to the deficit. We don't need to be doing any more Federal spending than is absolutely necessary. And we need to show the American people that we don't think that we should be running everything out of the District of Columbia when we have State and local officials perfectly capable, much more capable than we are to do this. We don't need to take away the ability of the locals to determine their needs.

And, again, I want to thank my colleagues for starting this conversation here tonight and getting it going to explain to people why many of us are concerned about H.R. 811. Even though we want verifiable evidence of a person's vote, this is not the right way to go, and we need to look for alternatives to this.

Mr. GARRETT of New Jersey. And I thank the gentlelady. And as our time comes to a close here shortly, I'd just like to say I appreciate her comments and also to say she hits on the point directly as far as the role and appropriate breadth and scope of the Congress, the Senate, and the Federal Government. You know, the U.S. Constitution, article I, section 1, the very beginning of the Constitution sets forth the parameters, if you will, of the role and responsibilities of the Federal Government. They are then, that point is reinforced in a couple of different ways, actually, when you think about it, both there and at the end. There it's reinforced in the section in as much as article I, section 8 sets out specifically what are the appropriate roles, and it delineates what the appropriate roles are for the Federal Government.

And an interesting thing there, and I don't want to go into too much detail on the verbiage of the Constitution here tonight as it's getting late, but many people often look to critics on the other side on this point, and on article I, section 8 say, well, in there is

what is called the general welfare clause, and for that reason, Congress has the right and ability to move on and act on any sort of issue that they want to.

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But a closer study of the Constitution points out that the article I section 8 general welfare clause comes before the delineation of the specific points and authority granted to the Federal Government. That is at the beginning of the Constitution. At the very end of the Constitution, at least back in 1787 and a couple years after that with the adoption of the first ten amendments, which eventually we call the Bill of Rights, the 10th amendment, of course, is the one germane to this discussion and all of our discussions on the floor with regard to the Constitution and the role of Congress, and that is that it says all rights not specifically delegated to the Federal Government are retained by the States and the people respectively, which those two points tied together reinforces the gentlewoman's comment that we have to be careful as far as the role of the Federal Government in these areas.

So it is appropriate that when we look to the bill that comes from the other side of the aisle on this issue of voting, which is so expansive in scope as far as its authority that it is trying to impose and so restrictive at the same time as far as what they are allowing the States to do, it is appropriate for us to come and discuss that issue and debate that issue to find out if there is not a better way. And that's why I very much appreciate the gentleman from Iowa's being with us tonight.

I see the gentleman from Iowa is back with us again, and I yield to him.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from New Jersey's yielding.

I just had a lingering question that I wanted to pose to the chairman of the Constitution Caucus, that being the issue that was raised here a half hour or so ago, Madam Speaker, and that is the issue of the electors who are chosen. And I would ask the chairman if he would opine on as to whether the electors are bound to vote as directed by the voters within the State or are they bound to vote according to their own conscience if push comes to shove? And do you know of instances where the electors have actually broken their faith with the voters and voted the opposite way within the States?

Mr. GARRETT of New Jersey. In as much as the gentleman is raising the question, I have anticipation that he has specific examples in mind that he is going to cite. But I believe there have been specific examples when electors have decided to go their own way and not be bound by their electorate.

Mr. KING of Iowa. And I would concur with the gentleman from New Jersey, Madam Speaker. My recollection, and it is not recent research but dustbin recollection, honestly, of several instances where the electors, when formally casting a ballot for the presidency, have broken their faith with the voters, broken their pledge, and voted the opposite way. Not enough in our history to compel us to make that a mandatory vote, but enough of it in our history to ask us to be vigilant about that particular vulnerability, because that hangs upon the integrity of those who were chosen as electors who formally cast that ballot for President of the United States and could, if there were a small group or, under certain circumstances, even one of them that decided to take the destiny of the country and ultimately the world in their own hands, flip their vote the other way.

This system that we have, though, I appreciate a great deal. I know there has been an initiative more than once that has been offered generally, or, in fact, in all cases that I know of, from the Democrat side of the aisle to turn this Presidential election into a popular ballot as opposed to an electoral ballot. And I for one think that would be a horrible circumstance if we have such great difficulty down to 527 votes in a State like Florida with recount after recount.

And, by the way, history has established clearly that it was a proper result. All of the recounts, including the Miami Herald's audited analysis of that, came to the same conclusion that it was a Bush victory in 2000 over Al Gore.

Still, if we had a popular ballot for the United States, we wouldn't be able to settle the ledger for each State, for example. We would simply have tens of millions of votes all cast into one pot, and you could come down to one vote in the end. And it would be impossible, I believe, to do an audit trail of all of those ballots and come out with a national consensus on a popular vote. And as the President said, if he would have needed to win the popular vote in 2000, he would have campaigned to win the popular vote in 2000. But he campaigned to win the electoral vote because that's the rule that we operate under. And I think the Founding Fathers had a significant amount of wisdom and foresight to give us this electoral system.

No system is perfect, but this system does have a slight vulnerability, and that is the integrity of the electors themselves and then the integrity of the electoral process, which is significantly, I believe, more vulnerable. So that is why I advocate the Utah plan for the States in America and the No Your Vote Counts Act nationally so that we can have a paper audit trail to keep the integrity up so that people can have confidence and stand behind this system so our constitutional Republic will last for another couple of centuries anyway.

Mr. GARRETT of New Jersey. Reclaiming my time, I agree with that and I appreciate that.

And I think that the seminal answer to your question of what was in the minds, if you will, of the Founding Fathers when they created the Electoral College was if they wanted the electors to have freedom to make that decision so it was their own wisdom that would be decided on the day of the casting of the ballot, which is what I believe that the Founders intended. Their alternative would have been to say, no, that you are bound by however you were elected. Well, if you were going to be bound by however you were elected, then in reality there's no need to actually have a person there to make that decision to cast the ballot. The Constitution would have been worded completely differently to say that, in effect, it was not an automaton but an automatic collection of all the votes. The majority of votes would not go to a specific elector, Steve King, but the majority of the votes would then therefore go to that candidate, whoever those electors are specifically delegated to vote for, whom they were representing. In other words, you would not need to elect a delegate, an elector, if he was going to be bound without any discretion.

I think the Founding Fathers realized that still within the confines of the limited amount of times that the electors, within the terminology of the Constitution, had to actually vote following the popular vote, there was still that flexibility that they could consider whatever changing moment the times may have necessitated them to do.

And of course, also, the other aspect of that that you didn't get into is the election of the Vice President and how the electorals play in that as well.

Mr. KING of Iowa. If the gentleman would yield, and I know we only have 2 minutes left, in that era, also, it wasn't contemplated that there would be essentially a two-party system that would so polarize the opinions on who should be the next President of the United States. I think the Founders envisioned more flow and flexibility between the two competing philosophies that were there surely and that we have in this day that are more distinct.

Mr. GARRETT of New Jersey. And you're absolutely right. You think about John Quincy Adams, who was first in Congress and then President, and then went back to sitting in Congress once again after he served as President. I think he was the only one that ever did that, and I cannot imagine any President today leaving the White House.

Mr. KING of Iowa. If the gentleman would yield, John Quincy Adams has given me a significant amount of comfort the times that I have been in the small minority on the losing side of the votes here on the floor because he said, ''Always vote for principle, though you may vote alone. You can take the sweetest satisfaction in knowing that your vote is never lost.'' John Quincy Adams, a man of principle.

Mr. GARRETT of New Jersey. He is. And I guess we should close on that quote. And again, I appreciate the gentleman from Iowa's coming.

And with that, Madam Speaker, I appreciate the opportunity to be on the floor this evening.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 976) ''An Act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.''.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today after 2 p.m.

Mr. KLINE of Minnesota (at the request of Mr. BOEHNER) for today after 5 p.m. on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 4.

Mr. JONES of North Carolina, for 5 minutes, October 4.

Mr. LAMBORN, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2085. An act to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 1, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

3497. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Rules Relating To Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions (RIN: 3038-AC43) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Emergency Conservation Program (RIN: 0560-AH71) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Millet Crop Insurance Provisions (RIN: 0563-AC12) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3500. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Potato Cyst Nematode; Quarantine and Regulations [Docket No. APHIS-2006-0143] (RIN: 0579-AC54) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3501. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions, Importation of Live Bovines and Products Derived From Bovines [Docket No. APHIS-2006-0041] (RIN: 0579-AC01) received September 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3502. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Congressional Notification of Architect-Engineer Services/Military Family Housing Contracts (RIN: 0750-AF41) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3503. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Technical Data Rights (RIN: 0750-AF70) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3504. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions (RIN: 0750-AF56) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3505. A letter from the Liaison Officer, Department of Defense, transmitting the Department's final rule — Limitations on Terms of Consumer Credit Extended to Service Members and Dependents [DOD-2006-OS-0216] (RIN: 0790-AI20) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3506. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Major Weapon Systems as Commercial Items (RIN: 0750-AF38) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3507. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitation on Contracts for the Acquisition of Certain Services (RIN: 0750-AF69) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3508. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Privacy Act Regulations, Periodic Participant Statements and Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts — received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3509. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — NARA Reproduction Fees [FDMS Docket No. NARA-07-0001] (RIN: 3095-AB49) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3510. A letter from the Director, Office of Management and Budget, transmitting the Office's final rule — Pay Administration Under the Fair Labor Standards Act (RIN: 3206-AK89) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3511. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Nonforeign Area Cost-of-Living Allowance Rates; U.S. Virgin Islands (RIN: 3206-AL12) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3512. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — General and Miscellaneous (RIN: 3206-AJ97) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3513. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Awards (RIN: 3206-AJ65) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3514. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XB86) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3515. A letter from the Chief, Publications and Regulations, Internal Revenue Service,

transmitting the Service's final rule — 26 CFR 31.402(q): Return of information on proceeds from poker tournaments (Also: 3406) (Rev. Proc. 2007-57) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3516. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.6402-1: Authority to Make Credits or Refunds (Also: 1.6411-3) (Rev. Rul. 2007-51) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3517. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.6411-2T: Computation of Tentative Carryback Adjustment (Also: 6402, 26 CFR 1.6411-3T) (Rev. Rul. 2007-53) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3518. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.6402-1: Authority to Make Credits or Refunds (Also: 1.6411-3) (Rev. Rul. 2007 -52) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3519. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.893-1: Compensation of Employees of Foreign Governments or International Organizations (Rev. Rul. 2007-60) received August 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 2740. A bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes; with an amendment (Rept. 110–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 400. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; with an amendment (Rept. 110–353). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 928. A bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; with an amendment (Rept. 110–354). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELAHUNT: Select Committee to Investigate the Voting Irregularities of August 2, 2007. Interim Report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 (Rept. 110–355). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. CANNON, Mr. BOUCHER, Mr. WATT, Mr. ISSA, and Mr. SENSENBRENNER):

H.R. 3678. A bill to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. CANNON, Mr. BOUCHER, and Mr. FRANKS of Arizona):

H.R. 3679. A bill to prohibit discrimination in State taxation of multichannel video programming distribution services; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. BRADY of Texas, Mr. TANNER, Mr. SAM JOHNSON of Texas, Ms. BERKLEY, Mr. PORTER, and Mr. MEEK of Florida):

H.R. 3680. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. BOOZMAN (for himself and Ms. HERSETH SANDLIN):

H.R. 3681. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; to the Committee on Veterans' Affairs.

By Mrs. BONO:

H.R. 3682. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. HAYES (for himself and Mr. SPRATT):

H.R. 3683. A bill to direct the Consumer Product Safety Commission to investigate the potential safety dangers in children's clothing and to promulgate any necessary consumer product safety rules regarding such clothing; to the Committee on Energy and Commerce.

By Mr. MCINTYRE (for himself, Mr. HAYES, Ms. SLAUGHTER, and Mr. KUHL of New York):

H.R. 3684. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 3685. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. SHAYS, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 3686. A bill to prohibit employment discrimination based on gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. GONZALEZ, Ms. CARSON, and Mr. RUSH):

H.R. 3687. A bill to provide lawful permanent resident status to the immediate family members of military service personnel serving in Iraq or Afghanistan; to the Committee on the Judiciary.

By Mr. HOYER (for himself and Mr. BOEHNER) (both by request):

H.R. 3688. A bill to implement the United States-Peru Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. ISSA, Mrs. DAVIS of California, Mr. RADANOVICH, Mr. WOLF, Ms. LEE, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Ms. DELAURO, Mr. FARR, Mr. CLEAVER, Mr. WEINER, Mr. HONDA, Mr. PATRICK MURPHY of Pennsylvania, Mr. RUSH, Mr. GENE GREEN of Texas, Mr. ISRAEL, and Mr. KING of New York):

H.R. 3689. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H.R. 3690. A bill to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. ALLEN, Mrs. MCCARTHY of New York, Mr. HALL of New York, Mr. LARSON of Connecticut, and Mr. COURTNEY):

H.R. 3691. A bill to reauthorize and improve the Consumer Product Safety Act; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. BURTON of Indiana, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. HONDA, Mr. BACA, Ms. LEE, Mrs. CHRISTENSEN, Mr. SIRES, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CLARKE, Mr. MORAN of Virginia, and Ms. NORTON):

H.R. 3692. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 3693. A bill to amend the Internal Revenue Code of 1986 to provide for more effective use of the deduction for domestic production activities for businesses with net operating losses; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 3694. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Ways and Means.

By Mr. HALL of New York (for himself, Ms. HOOLEY, Mr. MCDERMOTT, Mr.

BISHOP of New York, Mr. JOHNSON of Georgia, Mr. VAN HOLLEN, and Mr. HINCHEY):

H.R. 3695. A bill to prohibit an increase in the number of private security contractors performing security functions with respect to Operation Iraqi Freedom; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 3696. A bill to exclude the first $75,000 of the value of retirement plans (adjusted annually for cost of living) in determining eligibility for, and the amount of benefits under, the supplemental security income program; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Mr. FERGUSON, Mr. WAXMAN, and Ms. BALDWIN):

H.R. 3697. A bill to amend the Public Health Service Act to address antimicrobial resistance; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. DELAHUNT, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. COHEN, Mr. PAYNE, Ms. SUTTON, and Ms. JACKSON-LEE of Texas):

H.R. 3698. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 3699. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe in Minnesota Chippewa Tribe v. United States, Docket Nos. 19 and 188, United States Court of Federal Claims; to the Committee on Natural Resources.

By Mr. PALLONE:

H.R. 3700. A bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid Program continue to have access to prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself and Mr. HALL of Texas):

H.R. 3701. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 3702. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; to the Committee on Natural Resources.

By Mr. SCOTT of Georgia:

H.R. 3703. A bill to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 3704. A bill to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Natural Resources.

By Ms. SUTTON:

H.R. 3705. A bill to amend the Truth in Lending Act to require notice to consumers of an upcoming adjustment or reset date with respect to hybrid adjustable rate mortgages, and for other purposes; to the Committee on Financial Services.

By Mr. TIERNEY (for himself and Mr. ALLEN):

H.R. 3706. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself and Mr. ROGERS of Michigan):

H.J. Res. 54. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H. Con. Res. 220. Concurrent resolution concerning the response of the United States to forced abortion and the coercive one-child policy in the People's Republic of China, and the resulting ''gendercide'' of girls in that country; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Mrs. BIGGERT, Mr. LAHOOD, Mr. SHIMKUS, and Mr. ROSKAM):

H. Res. 685. A resolution calling on the Governor of the State of Illinois to defend the right of employers to employee verification; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H. Res. 686. A resolution condemning personal attacks on the honor, integrity and patriotism of those with distinguished military service to our Nation; to the Committee on Armed Services.

By Mr. DONNELLY (for himself, Mr. KING of New York, Ms. SUTTON, Mr. ELLSWORTH, Ms. HIRONO, Mr. LEVIN, Mr. CROWLEY, Mr. SMITH of New Jersey, Mr. FERGUSON, Mr. PLATTS, Mrs. GILLIBRAND, Mr. SHIMKUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. COURTNEY, Mr. BERRY, Mr. MCCAUL of Texas, Mr. PENCE, Mr. WALSH of New York, Mr. REYNOLDS, Mr. HONDA, Mr. CARDOZA, Mr. MOORE of Kansas, Mr. HOLT, Mr. HOBSON, Mr. RAMSTAD, Mr. KIRK, Mr. HILL, Mr. JOHNSON of Georgia, Mr. CUELLAR, Mr. LUCAS, Mrs. MUSGRAVE, Mr. WAMP, Mr. KUHL of New York, Mr. CARNEY, Mr. DANIEL E. LUNGREN of California, Mr. SOUDER, Mr. WELCH of Vermont, Mr. EHLERS, Mr. MICHAUD, Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. RADANOVICH, Mr. FOSSELLA, Mr. SULLIVAN, Mr. WALDEN of Oregon, Mr. FRELINGHUYSEN, Mr. DINGELL, Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KUCINICH, Mr. BRALEY of Iowa, Mr. SALI, Mr. HELLER, Mr. WALBERG, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Mrs. BIGGERT, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. BROWN of South Carolina, Mr. NUNES, Mr. HOEKSTRA, Mrs. BACHMANN, Mrs. EMERSON, Mr. MCCARTHY of California, Mr. YARMUTH, Mr. LOEBSACK, Mr. CLEAVER, Mr. SIRES, Mr. SHAYS, Mr. RODRIGUEZ, Mr. DENT, Mr. WILSON of South Carolina, Mr. COBLE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HALL of New York, Mr. STEARNS, Mr. THORNBERRY, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. KELLER, Mr. GARRETT of New Jersey, Mr. SALAZAR, Mr. BARROW, Mr. KING of Iowa, Mr. JONES of North Carolina, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. BROUN of Georgia, Mr. FILNER, Mr. BURTON of Indiana, Mr. LINCOLN DAVIS of Tennessee, Mr. TIM MURPHY of Pennsylvania, Mr. CAMPBELL of California, Mr. SHULER, Mr. SMITH of Nebraska, Mr. PEARCE, and Mr. VISCLOSKY):

H. Res. 687. A resolution celebrating the 90th birthday of Reverend Theodore M. Hesburgh, C.S.C., president emeritus of the University of Notre Dame, and honoring his contributions to higher education, the Catholic Church, and the advancement of the humanitarian mission; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY:

H. Res. 688. A resolution expressing the sense of the House of Representatives concerning the creation of federal regions in Iraq; to the Committee on Foreign Affairs.

By Ms. HOOLEY (for herself, Mr. MURTHA, Ms. WOOLSEY, Mr. HASTINGS of Florida, Mr. DEFAZIO, Mr. LINCOLN DAVIS of Tennessee, Mr. KUCINICH, Ms. ESHOO, Mr. FILNER, Mr. HILL, Mr. ALLEN, Mrs. MCCARTHY of New York, Ms. CASTOR, Ms. HIRONO, Mr. MCGOVERN, Mr. MCINTYRE, Mr. DAVIS of Illinois, Mr. MOORE of Kansas, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. DOGGETT, Mr. FARR, Mr. HALL of New York, Mr. HINCHEY, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. OLVER, Mr. PASTOR, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Mr. WU, Mr. BECERRA, Ms. WATSON, Mr. WEINER, Mr. BLUMENAUER, Mr. PASCRELL, Mr. ROSS, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. SPRATT, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. ABERCROMBIE, Mr. INSLEE, Mr. CAPUANO, Mr. RYAN of Ohio, Mr. HIGGINS, and Mr. TIERNEY):

H. Res. 689. A resolution calling upon George W. Bush, President of the United States, to urge full cooperation by his former political appointees, current Administration officials, and their friends and associates with congressional investigations; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself and Mr. KNOLLENBERG):

H. Res. 690. A resolution expressing grave concern of the House of Representatives for Iran and Syria's continued and systematic violations of UN Resolutions 1701 and 1559; to the Committee on Foreign Affairs.

By Mr. LAMPSON (for himself, Mr. HALL of Texas, Mr. POE, Mr. HOLDEN, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. SMITH of Washington,

Mr. LARSEN of Washington, Mr. BRADY of Pennsylvania, Mr. CONAWAY, Mr. AL GREEN of Texas, Mr. PAUL, Mrs. TAUSCHER, Mr. EDWARDS, Mr. BOYD of Florida, Mr. MCCAUL of Texas, Mr. GONZALEZ, Mr. TAYLOR, Mr. ORTIZ, Mr. SNYDER, Mr. JOHNSON of Georgia, Mr. LOEBSACK, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHULER, Mr. CULBERSON, Mr. ELLSWORTH, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, Mr. BOREN, Mr. GENE GREEN of Texas, Ms. GIFFORDS, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mrs. GILLIBRAND, Mr. REYES, and Ms. LORETTA SANCHEZ of California):

H. Res. 691. A resolution commending the Wings Over Houston Airshow for its great contribution to the appreciation, understanding, and future of the United States Armed Forces, the City of Houston, Texas, and Ellington Field; to the Committee on Armed Services.

By Mrs. MCCARTHY of New York (for herself, Mr. WALSH of New York, Mr. CROWLEY, Mr. KING of New York, Mr. PAYNE, Mr. MCHUGH, Mrs. MALONEY of New York, Mr. ENGEL, and Mr. HIGGINS):

H. Res. 692. A resolution honoring the 26th anniversary of Northern Ireland's first integrated school and further encouraging continued innovation to achieve a shared future in education in Northern Ireland that would deliver much higher standards of skills; to the Committee on Foreign Affairs.

By Mr. SERRANO:

H. Res. 693. A resolution condemning the recent actions of the Ku Klux Klan; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. DENT, Ms. CASTOR, Mr. MICA, and Mr. SERRANO.
H.R. 88: Mr. GORDON.
H.R. 136: Mr. WAMP.
H.R. 138: Mr. WAMP and Mr. CAMPBELL of California.
H.R. 160: Mr. SHAYS.
H.R. 171: Mr. GORDON.
H.R. 289: Mr. TOM DAVIS of Virginia.
H.R. 369: Mr. BISHOP of New York.
H.R. 503: Mr. GILCHREST and Mr. BUCHANAN.
H.R. 507: Mr. GORDON, Mr. INSLEE, Mrs. LOWEY, Mr. GILCHREST, Mr. MOORE of Kansas, Mr. KENNEDY, Ms. CLARKE, Mr. CLYBURN, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, and Mr. ISRAEL.
H.R. 538: Mr. FILNER.
H.R. 549: Mr. FERGUSON.
H.R. 551: Mr. ROSS and Mr. BRALEY of Iowa.
H.R. 627: Mr. COURTNEY.
H.R. 686: Mr. BRALEY of Iowa.
H.R. 688: Mr. WALSH of New York.
H.R. 715: Mr. PATRICK MURPHY of Pennsylvania and Ms. BERKLEY.
H.R. 719: Mrs. BOYDA of Kansas, Mr. MORAN of Virginia, Mr. BURGESS, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 743: Mr. MICA, Mr. BURGESS, Mrs. JONES of Ohio, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mr. COURTNEY, and Mr. FATTAH.
H.R. 814: Mr. GORDON.
H.R. 821: Mr. COURTNEY.
H.R. 879: Ms. GINNY BROWN-WAITE of Florida.
H.R. 891: Mr. BUCHANAN.
H.R. 897: Mr. DINGELL and Mr. HALL of New York.
H.R. 989: Mr. BAKER.
H.R. 997: Mr. ISSA.
H.R. 1014: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1064: Mr. KANJORSKI.
H.R. 1076: Ms. SCHAKOWSKY.
H.R. 1077: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1125: Mr. COSTA, Mr. HONDA, and Mr. MILLER of North Carolina.
H.R. 1127: Mr. LEWIS of Kentucky and Mr. DUNCAN.
H.R. 1134: Mr. WEXLER and Mr. LARSEN of Washington.
H.R. 1157: Mr. DUNCAN.
H.R. 1176: Mr. JACKSON of Illinois.
H.R. 1193: Mr. DAVIS of Alabama, Mr. INSLEE, Mr. WALZ of Minnesota, Mr. REICHERT, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. FORTENBERRY, Mrs. CHRISTENSEN, and Mr. EDWARDS.
H.R. 1216: Mrs. CAPPS.
H.R. 1223: Mr. UDALL of New Mexico and Mr. TOM DAVIS of Virginia.
H.R. 1275: Mr. FATTAH.
H.R. 1293: Mr. COURTNEY.
H.R. 1283: Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, and Ms. CARSON.
H.R. 1303: Mr. LEWIS of Georgia.
H.R. 1308: Mr. KUCINICH and Mr. HINOJOSA.
H.R. 1343: Mr. MILLER of North Carolina and Mr. PETRI.
H.R. 1390: Mr. BURTON of Indiana.
H.R. 1419: Mr. FILNER.
H.R. 1420: Mr. FILNER.
H.R. 1422: Mr. LEWIS of Georgia.
H.R. 1439: Mr. VISCLOSKY.
H.R. 1459: Mr. LIPINSKI and Mr. MELANCON.
H.R. 1474: Mr. KLEIN of Florida, Mr. MAHONEY of Florida, and Mr. COLE of Oklahoma.
H.R. 1506: Mr. WATT.
H.R. 1528: Mr. SHAYS.
H.R. 1532: Mr. SERRANO.
H.R. 1534: Ms. MCCOLLUM of Minnesota.
H.R. 1542: Mr. MEEK of Florida.
H.R. 1552: Mr. ELLSWORTH and Mr. WALBERG.
H.R. 1553: Mr. PERLMUTTER.
H.R. 1567: Mr. WALSH of New York.
H.R. 1576: Mr. ELLISON, Mr. MCHUGH, Mr. KING of New York, Mr. ENGEL, Mr. WEINER, Mr. ACKERMAN, Mr. TOWNS, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. FOSSELLA, Mr. TANNER, and Mr. NEAL of Massachusetts.
H.R. 1584: Mr. LARSEN of Washington, Mr. GRIJALVA, Mr. PASTOR, and Mr. HASTINGS of Washington.
H.R. 1610: Mr. BOSWELL, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. COBLE, Mr. MITCHELL, and Ms. BEAN.
H.R. 1644: Mr. SCOTT of Georgia, Mr. ISRAEL, Mr. MURTHA, and Mr. LANGEVIN.
H.R. 1647: Mr. MCNULTY, Mr. RUPPERSBERGER, and Mr. TOWNS.
H.R. 1661: Mr. SPACE.
H.R. 1665: Ms. DEGETTE.
H.R. 1671: Ms. BORDALLO.
H.R. 1699: Mr. GORDON.
H.R. 1727: Mr. GORDON.
H.R. 1738: Ms. PRYCE of Ohio and Mr. UPTON.
H.R. 1755: Mr. STARK.
H.R. 1810: Mr. WAMP.
H.R. 1813: Mr. BRALEY of Iowa and Mr. MCNERNEY.
H.R. 1843: Mr. ALLEN, Mr. DENT, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CASTLE, and Ms. FOXX.
H.R. 1845: Ms. MCCOLLUM of Minnesota, Mr. KIRK, and Mr. WILSON of South Carolina.
H.R. 1876: Mr. PASTOR and Ms. KAPTUR.
H.R. 1881: Mr. HINOJOSA.
H.R. 1907: Mr. SHAYS.
H.R. 1983: Mr. MITCHELL.
H.R. 2021: Mr. POE, Mr. LOEBSACK, Mr. COSTA, Mr. PAUL, Mr. RUSH, Ms. CARSON, Mr. JEFFERSON, Mr. CLEAVER, Mr. PAYNE, Ms. BORDALLO, Ms. MATSUI, Mr. CROWLEY, Mr. SERRANO, Mr. GALLEGLY, and Mr. BRALEY of Iowa.
H.R. 2045: Mr. LEWIS of Georgia.
H.R. 2063: Mr. GENE GREEN of Texas, Mr. FERGUSON, and Ms. BALDWIN.
H.R. 2091: Mr. FATTAH.
H.R. 2123: Ms. BALDWIN, Mr. WEXLER, Mr. FILNER, and Mr. WEINER.
H.R. 2138: Mr. SPACE.
H.R. 2160: Mr. MCNULTY and Mr. CROWLEY.
H.R. 2164: Mr. ADERHOLT.
H.R. 2165: Mr. SPACE.
H.R. 2198: Mr. DINGELL.
H.R. 2210: Mrs. JONES of Ohio.
H.R. 2232: Mr. MEEK of Florida.
H.R. 2234: Mr. GERLACH and Mr. DONNELLY.
H.R. 2266: Mr. DAVIS of Alabama.
H.R. 2280: Mr. KING of Iowa and Mr. LOEBSACK.
H.R. 2295: Mr. BURGESS.
H.R. 2327: Ms. LINDA T. SÁZNCHEZ of California.
H.R. 2332: Mr. COSTA, Mr. CANNON, and Mr. FRANKS of Arizona.
H.R. 2341: Mr. SIRES.
H.R. 2370: Mr. CALVERT and Mrs. MYRICK.
H.R. 2452: Mr. ROTHMAN.
H.R. 2478: Mr. KENNEDY.
H.R. 2489: Mr. MCCAUL of Texas.
H.R. 2514: Mr. JACKSON of Illinois.
H.R. 2549: Mr. MEEK of Florida.
H.R. 2585: Mr. THORNBERRY.
H.R. 2600: Mr. ROTHMAN.
H.R. 2610: Mr. YOUNG of Alaska.
H.R. 2639: Mr. JORDAN.
H.R. 2668: Mr. COHEN.
H.R. 2694: Mr. COHEN and Mr. DEFAZIO.
H.R. 2712: Mr. BAKER.
H.R. 2734: Mr. WALSH of New York.
H.R. 2740: Mr. BISHOP of New York, Mr. ELLISON, and Mr. BLUMENAUER.
H.R. 2762: Mr. SHAYS, Mr. MCGOVERN, Mr. DELAHUNT, Mr. WALZ of Minnesota, and Mr. INSLEE.
H.R. 2779: Mr. ROSS.
H.R. 2784: Mr. CALVERT, Mr. ROSS, Mr. GENE GREEN of Texas, and Mr. CHABOT.
H.R. 2788: Mr. LAHOOD.
H.R. 2790: Mr. FILNER.
H.R. 2792: Mr. MEEK of Florida.
H.R. 2802: Mr. HILL and Mr. DOOLITTLE.
H.R. 2895: Mr. PETERSON of Minnesota, Mr. MCINTYRE, Mr. PRICE of North Carolina, Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, and Mr. DOGGETT.
H.R. 2910: Mr. GERLACH, Mr. TOWNS, Mr. SCHIFF, Mr. OBERSTAR, and Mr. BERRY.
H.R. 2933: Mr. TOWNS, Mr. BOSWELL, and Mr. MILLER of North Carolina.
H.R. 2942: Mr. PITTS.
H.R. 2990: Mr. TERRY and Mr. NEAL of Massachusetts.
H.R. 3025: Mr. DAVIS of Alabama.
H.R. 3028: Mr. CALVERT.
H.R. 3029: Mr. GILCHREST.
H.R. 3042: Mr. SIRES, Mr. PETERSON of Minnesota, Mr. BARTLETT of Maryland, Mr. WALZ of Minnesota, Mr. BISHOP of Georgia, Mrs. MCCARTHY of New York, and Ms. ZOE LOFGREN of California.
H.R. 3055: Mr. MCGOVERN.
H.R. 3057: Mr. DENT and Mr. ROGERS of Kentucky.
H.R. 3085: Mr. COHEN.
H.R. 3099: Mr. FILNER.
H.R. 3132: Mr. MCDERMOTT.
H.R. 3140: Mr. LUCAS, Mr. SPACE, and Mr. SALAZAR.
H.R. 3150: Mr. FEENEY.
H.R. 3158: Mr. SIRES.
H.R. 3167: Mr. SIRES.
H.R. 3195: Mr. SPRATT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. ELLSWORTH.
H.R. 3204: Ms. DELAURO.
H.R. 3212: Mr. SIRES.

H.R. 3219: Mr. MCINTYRE, Mr. HAYES, Mr. MORAN of Virginia, and Mr. PALLONE.

H.R. 3289: Mr. BRALEY of Iowa, Mr. BERMAN, Mr. WAXMAN, Ms. MATSUI, Mr. PERLMUTTER, Mr. HOLT, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, and Ms. CARSON.

H.R. 3298: Mr. MORAN of Virginia and Mr. MCDERMOTT.

H.R. 3327: Mr. RUPPERSBERGER, Mrs. TAUSCHER, and Ms. MOORE of Wisconsin.

H.R. 3355: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3358: Mr. MCHUGH.

H.R. 3363: Mr. WAMP.

H.R. 3380: Mr. DONNELLY.

H.R. 3385: Ms. JACKSON-LEE of Texas, Mr. HARE, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. RANGEL.

H.R. 3404: Ms. SCHAKOWSKY and Mr. UDALL of New Mexico.

H.R. 3416: Mr. GRIJALVA.

H.R. 3425: Mr. RUSH.

H.R. 3429: Mr. FILNER.

H.R. 3431: Mr. LARSON of Connecticut.

H.R. 3440: Mr. RAHALL.

H.R. 3448: Mr. GRIJALVA.

H.R. 3453: Mr. BOUSTANY and Mr. BRALEY of Iowa.

H.R. 3457: Mr. CONAWAY and Mr. THOMPSON of California.

H.R. 3463: Mr. GORDON.

H.R. 3467: Mr. COHEN.

H.R. 3481: Mrs. MALONEY of New York, Mr. SHAYS, Mr. YOUNG of Alaska, Mr. LATHAM, Mr. CUMMINGS, Mr. KUCINICH, Ms. KAPTUR, and Mr. NADLER.

H.R. 3494: Mr. SHULER.

H.R. 3495: Mr. GRIJALVA, Mr. NADLER, Mr. BRADY of Pennsylvania, and Mr. PAYNE.

H.R. 3498: Mr. OBERSTAR.

H.R. 3521: Mr. HARE.

H.R. 3531: Mr. HOEKSTRA and Mr. MARCHANT.

H.R. 3533: Mr. RUSH, Ms. MATSUI, Mr. LANTOS, and Mr. KUHL of New York.

H.R. 3541: Mr. KING of New York, Mr. COHEN, Mr. HIGGINS, Mr. SCHIFF, and Mr. JOHNSON of Illinois.

H.R. 3543: Mr. ABERCROMBIE and Mr. HONDA.

H.R. 3544: Mr. MARSHALL.

H.R. 3559: Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. AKIN, Mr. GINGREY, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. SHADEGG, Mr. GOODE, Ms. FALLIN, and Mr. ROSKAM.

H.R. 3562: Mr. BUCHANAN, Mr. VISCLOSKY, and Mr. KAGEN.

H.R. 3577: Mr. CASTLE and Ms. SUTTON.

H.R. 3585: Mr. POMEROY, Mr. MOORE of Kansas, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. HOYER, Mr. LARSON of Connecticut, Mr. SPRATT, Mrs. CHRISTENSEN, and Mr. ISSA.

H.R. 3609: Ms. LORETTA SANCHEZ of California, Mr. GUTIERREZ, and Mr. GEORGE MILLER of California.

H.R. 3612: Mr. BROUN of Georgia.

H.R. 3622: Mr. HOLT, Mr. PASCRELL, Mr. ETHERIDGE, Mrs. BOYDA of Kansas, Mr. CULBERSON, Mrs. DRAKE, Mr. LEWIS of Kentucky, Ms. PRYCE of Ohio, Mr. MCCOTTER, Mr. LIPINSKI, Mr. POE, Mr. LATHAM, Mrs. EMERSON, and Mr. WAMP.

H.R. 3627: Mr. WAMP.

H.R. 3631: Mr. SENSENBRENNER and Ms. ESHOO.

H.R. 3652: Mr. GUTIERREZ.

H.R. 3654: Mr. BOYD of Florida, Mr. MOORE of Kansas, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. KIND, Mr. CASTLE, Mr. LAHOOD, Mr. MCKEON, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. EHLERS, Mr. FLAKE, and Mr. MELANCON.

H.J. Res. 51: Mr. GRIJALVA, Mr. BECERRA, Mr. GONZALEZ, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, and Mr. SIRES.

H. Con. Res. 40: Mr. MILLER of Florida and Mr. SULLIVAN.

H. Con. Res. 122: Mr. PERLMUTTER and Ms. HERSETH SANDLIN.

H. Con. Res. 182: Ms. ESHOO, Mr. TOM DAVIS of Virginia, Mr. BROUN of Georgia, and Mr. BURTON of Indiana.

H. Con. Res. 198: Mr. CUMMINGS and Mr. PASTOR.

H. Con. Res. 200: Ms. SCHAKOWSKY.

H. Con. Res. 202: Mr. MCDERMOTT, Ms. WATSON, Mr. GRIJALVA, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. MORAN of Virginia, and Ms. ZOE LOFGREN of California.

H. Con. Res. 218: Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. CAMPBELL of California, Ms. FALLIN, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. ISSA, Mr. JORDAN, Mr. LINDER, Mr. LUCAS, Mrs. MYRICK, Mr. PITTS, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. ROSKAM, and Mr. PORTER.

H. Res. 18: Mr. ISSA.

H. Res. 111: Ms. SCHWARTZ and Ms. KILPATRICK.

H. Res. 143: Mrs. GILLIBRAND.

H. Res. 245: Mr. HOLT.

H. Res. 282: Mr. MITCHELL, Mr. LAMPSON, Mr. LUCAS, and Mr. BOREN.

H. Res. 333: Mr. TOWNS.

H. Res. 415: Mr. JOHNSON of Georgia and Mr. PASTOR.

H. Res. 448: Ms. NORTON, Mrs. MCCARTHY of New York, Mr. KIND, Mr. FERGUSON, Mr. ALLEN, Mr. MCNULTY, Mr. GOODE, Mr. WOLF, Mr. SCOTT of Virginia, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. MELANCON, Mr. CHANDLER, Mr. CARDOZA, Mr. BOREN, Mr. BARROW, Mr. ROSS, Mr. LARSEN of Washington, Mr. LINCOLN DAVIS of Tennessee, Mr. SALAZAR, Mr. BOSWELL, Mr. MICHAUD, Mr. ELLSWORTH, Mr. STUPAK, Mr. GONZALEZ, Mr. LAMPSON, Mr. HILL, Ms. HERSETH SANDLIN, Ms. HOOLEY, Mr. CROWLEY, Ms. BALDWIN, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. ARCURI, Mr. CRAMER, and Mr. INSLEE.

H. Res. 499: Mr. Broun of Georgia.

H. Res. 537: Mr. FERGUSON, Mr. PICKERING, Mr. LAHOOD, Mr. ROGERS of Michigan, Mr. JOHNSON of Illinois, and Mr. HASTERT.

H. Res. 539: Ms. CASTOR.

H. Res. 542: Mr. ROGERS of Kentucky, Mr. WAMP, Mrs. MCMORRIS RODGERS, and Mr. ALEXANDER.

H. Res. 573: Ms. SUTTON.

H. Res. 620: Mr. SCHIFF, Ms. ESHOO, and Mr. ENGEL.

H. Res. 651: Mr. COBLE, Mr. ENGLISH of Pennsylvania, and Mr. BERMAN.

H. Res. 671: Mr. PAUL, Mr. MORAN of Virginia, Mr. ADERHOLT, and Mr. KING of New York.

H. Res. 680: Mr. YOUNG of Florida, Mr. TOWNS, Mr. FORBES, Mr. GORDON, and Mr. ALEXANDER.

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. 946: Mr. CLEAVER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 2, by Mr. BOEHNER on House Resolution 559: Jerry Lewis, John L. Mica, Lee Terry, Mary Fallin, Robert B. Aderholt, Joe Knollenberg, Richard H. Baker, Walter B. Jones, Dean Heller, Rick Renzi, Paul Ryan, Mary Bono, Connie Mack, Ed Whitfield, Virgil H. Goode, Jr., Dana Rohrabacher, Jack Kingston, Ralph M. Hall, Ron Lewis, Mike Pence, Michael K. Simpson, John Sullivan, Mark Steven Kirk, Devin Nunes, Howard Coble, Roger F. Wicker, Vern Buchanan, Kenny C. Hulshof, Timothy V. Johnson, Deborah Pryce, Trent Franks, Todd Tiahrt, J. Dennis Hastert, Kenny Marchant, Jim Ramstad, Jo Ann Emerson, Joe Barton, Christopher H. Smith, Don Young, Duncan Hunter, Wayne T. Gilchrest, Roscoe G. Bartlett, Chris Cannon, 186. Edward R. Royce, Steven C. LaTourette, David L. Hobson, J. Gresham Barrett, Heather Wilson, C.W. Bill Young, Ralph Regula, John E. Peterson

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, SEPTEMBER 27, 2007 No. 145

Senate

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. Chuck Lawrence, Christ Temple Church, Huntington, WV.

The guest Chaplain offered the following prayer:

Let us pray.

King of Glory, first of all, we are thankful that we can pray and that You hear us. We are thankful that You have the power, and also the desire, to answer us.

As our Creator, You know what is best for us. So, Lord, even more than Your blessings and what You can give to us, we desire Your presence. We want Your presence to be woven into the very fabric of our lives because Your presence brings purpose to our lives. Without You, we are empty, void of meaning.

Your presence also brings joy to life, not just one arduous task after another but a joyful journey. Your presence will guide us to proper finish lines, to accomplishments that really matter. Your presence brings freedom as well; not just freedom from something but freedom to make the right decisions that will help us fulfill the destiny into which we are called. Your presence brings peace; not a peace from agreeable circumstances but a peace even in the midst of tumultuous moments.

So, today, let every Senator sense Your presence. Let every Senator know that Your hand is available to guide them in all they do. Let us all remember that just having You is enough, and we will continue to pursue Your presence until the day we hear: ''Well done, good and faithful servant.'' In Your Name, we pray. 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, September 27, 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.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Warner (for Graham-Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

Reid (for Kennedy-Smith) amendment No. 3035 (to the language proposed to be stricken by amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Motion to commit the bill to the Committee on Armed Services, with instructions to report back forthwith, with Reid amendment No. 3038, to change the enactment date.

Reid amendment No. 3039 (to the instructions of the motion to recommit), of a technical nature.

Reid amendment No. 3040 (to amendment No. 3039), of a technical nature.

Casey (for Hatch) amendment No. 3047 (to amendment No. 2011), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

Coburn amendment No. 2196 (to amendment No. 2011), to eliminate wasteful spending and improve the management of counterdrug intelligence.

McCaskill (for Webb) modified amendment No. 2999 (to amendment No. 2011), to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided between the two leaders prior to the cloture vote on amendment No. 3035 offered by the Senator from Massachusetts, Mr. KENNEDY.

The Senator from Massachusetts is recognized.

SCHEDULE

Mr. KENNEDY. Mr. President, briefly, let me outline the schedule for this morning. Under an order entered last night, there are 2 hours of debate equally divided prior to votes on pending cloture motions on the two hate crimes amendments.

Once the votes begin, around 11 this morning, there will be very brief debate between the votes, so Members

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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should remain close to the floor during that time.

Once action has concluded on the hate crime amendments, the Senate will then have a brief debate prior to the cloture vote on the motion to concur to the House amendments to the Senate amendments to the CHIP legislation.

Therefore, Members can expect five rollcall votes starting around 11 this morning.

Mr. President, I ask unanimous consent that the 10 minutes immediately prior to the first vote be controlled equally between the two leaders, with the majority leader controlling the last 5 minutes, and that after the first vote, the remaining votes be limited to 10 minutes.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent if there are quorum calls during this time, they be evenly divided.

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

Mr. KENNEDY. Mr. President, I see my friend and one of the principal architects of this CHIP program on the floor. I know he desires to speak for some time. I am glad to accommodate him. I think I am going to speak on both of the measures that are before the Senate, both the CHIP program as well as the hate crimes. So I do not know what the desire of the Senator from Utah would be. But I will be glad to yield to him.

CHIP

Mr. President, as the instructions to the Senate said, later in the morning, we are going to have an opportunity for the Senate to express itself on what is commonly known as the Children's Health Insurance Program, a program that has effectively been in place now for some 10 years and has made a very significant and important difference in the quality of life for children.

It has been said, and I certainly agree, that the great test of a nation and a civilization is how it cares about its children. Some 10 years ago, the Senator from Utah, myself, others, were very much involved in the fashioning, the shaping of this legislation.

It has made a very important difference, which we will come to in a moment, to the quality of health care for children in this country. The Senate, later this morning, is going to make a judgment whether we are going to continue that march for progress for children and expand that opportunity or whether we are going to take a different course and say that is not a national priority.

Being in the Senate and voting is about priorities. Priorities. Members in this body express themselves in votes by indicating our priorities, both our priorities in the allocation of resources, our priorities in views with regard to foreign policy.

This morning, we are going to be making a judgment whether we think it is appropriate that we continue this real march for progress for children in this country with this Children's Health Insurance Program that has proved to be so successful.

First, I wish to show what President Bush himself has stated about the Children's Health Insurance Program. This is the quote of President Bush from the 2004 Republican Convention, not all that long ago, when he said:

> America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs.

That is what we are talking about, the CHIP program. Here is the President saying:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Well, that is the issue. This is the place where that promise and pledge is going to be tested later this morning. Many of us are going to say: President Bush was absolutely right when he made that statement. But since he has made that statement, he has come to a different position where he is urging opposition to that position today.

We can understand why the President came to that position because we can look at the record of the last 10 years. In the evaluation of the CHIP program, this is the Center for Medicare and Medicaid Services, it is an administration department, effectively known as CMS, the Center for Medicare and Medicaid Services, this is in the Department of Health and Human Services. This is their evaluation as of September 19, 2007:

> Over the past 10 years, the CHIP program has improved overall access to care.

Improved overall access to care.

> Reduced the level of unmet need.

Reduced the level of unmet need.

> And improved access to dental care, expanded access to preventive care.

Expanded access to preventive care. Imagine the parents who may have taken a little time this morning and said: This is going to be an important vote in the Senate today. I think I will listen to it. What is this program all about?

Well, here we have the President of the United States, who has endorsed this, said it ought to be expanded, and then we have the evaluation of the program, not by those of us who were there at the very beginning and who supported the program but by the administration's own evaluation. This is what they say—and who can differ with that? Those who have been opposed to it have been unable to challenge this: Improved the access to care, reduced the level of unmet need, improved access to dental care, expanded access to preventive care.

Every parent knows the importance of preventive care for their children. Anyone who cares about health care policy knows that it is enormously important at any time and particularly in a child's life. And ''reduced emergency department use.'' That is the final item that is mentioned in this chart.

But this has importance in a number of different ways. It means they are taking care of children before they need the emergency care, because their illness, their throat infections, ear infections, other infections have been addressed in preventive care, so they do not have to go to the emergency room.

What is the result of the emergency room visit when the child gets a great deal sicker? More often than not, the parents cannot afford to pay the bills. Or if the bills are there, they are out of sight. So the costs, in terms of the health care system, are dramatically enhanced when the children go to the emergency room. The costs, in terms of the parents' anxiety, are dramatically enhanced when the children have to go to the emergency room.

Last night, there were millions of parents who were wondering, when they were listening to their child cry in the night, whether that child was $150 or $250 sick, because that is what the cost was going to be in an emergency room. Maybe I will wait it out. Maybe I am making the minimum wage. Can I afford to dig deeper and pay those $250? So I am going to let my child remain without being taken care of during the night, to see if that child gets better, rather than having the preventive care. It is a moral issue, a defining moral issue, a priority issue, a moral issue for this country.

So that is the evaluation of the administration, the statement of the President. We can understand why the administration has come up with that kind of—those results, because of the extraordinary reduction in the uninsured rate for children.

If you look, going back to 1997, almost 25 percent of all children had no coverage. Look at this red line going down over the years as the CHIP program is reaching out through the States. This was worked out in these careful negotiations, which Senator HATCH was also involved in, to make sure it was going to be a State program, State-run, State priorities, States establishing the deductibles, the copays, States making the judgments about those items, States setting up the whole program. It is going to be effectively a private insurance program. That is what confuses me about the administration talking about a Government-run program. This is effectively a State-run program built upon private insurance.

The delivery system is very much like the administration favored with the prescription drug program. So we see this dramatic reduction in terms of children.

Now, what has been the reaction? This, for example, is one of the blessings of this program. Not only are the

children healthier with the CHIP program—this is an evaluation of how the child does in class. Not only are we getting a healthier child. We are getting a more attentive child. We are all challenged here, and certainly we are in our education committee, as we are looking out across at the various education programs how we are going to try to deal with children improving in terms of their attention and also keeping up with the school activities.

This last week, the Secretary of Education announced the improvement of children in what they call the NAPE test, children are improving. I am so proud of Massachusetts being the No. 1 State, in terms of the results. That is basically because the State got started on many of these reforms before the Congress did.

But there is no question in my mind that a principal part of the improvement of children doing well academically is as a result of the CHIP program.

This is the proof: paying attention in class, from 34 percent to 57 percent; keeping up with school activities, from 36 to 61 percent. It is understandable. If children can't see the blackboard, if they can't hear the teacher, if they are sick, they are not going to learn. If they are healthy, they can learn. It is pretty fundamental, but evidently there are some who haven't learned the lesson.

We are constantly challenged, if we are going to be one country with one history and one destiny, about moving along together, moving all the children—White, Black, Hispanic—together. Before CHIP, you had important unmet health care needs reflected in disparities between the different races. Once we had the CHIP program put in place for the children, we effectively saw an important improvement in the health of children, and all the children moved along together.

This is for a typical disease. We chose asthma because it has been a disease which has been expanding over time, unquestionably, because of the relaxation of a variety of different environmental requirements and standards. In other illnesses and diseases, it is going down. The challenge with children with asthma is it has actually been going up. But even if the totality is going up, look what happens with these children with asthma as a result of the CHIP program. The number of children who are getting their health needs taken care of dramatically increased. Emergency visits were dramatically down, and hospitalizations were dramatically down. This reflects itself in not only healthier children but in savings.

This is basically a matter of priorities. This is a sound program. It is an effective program. It is one the President endorsed a few years ago. It has been tested, tried. The evaluation of the program has been that it is a great success. Now we have the opportunity to express once again the issue of priorities here in the Senate. What are going to be the priorities for this body? What do they think is really important in this country at this time? The CHIP program reauthorization, $35 billion? That isn't being paid by taxpayers or middle-income families or working families unless they smoke because this is going to be offset completely by those who are going to smoke. As we have pointed out earlier, that has a double positive value. We are not going to put an additional burden on ordinary taxpayers. But with the increased cost of cigarettes and tobacco, it is going to mean less use of tobacco by children and children are going to be healthier. So not only is the fundamental legislation a demonstration in improving health care, but the remedy and how we do that is also adding an additional dimension to the quality of health for children. More than 3,000 children start smoking every single day, and 1,200 of them become effectively addicted every single day. We can do something about this and, eventually, when we pass this legislation and we pass our other tobacco legislation that we have reported out of our committee, we will get a handle on protecting children from addiction to nicotine.

This is over a 5-year period, $35 billion; 1 year in Iraq, $120 billion—almost four times in 1 year what this is in 5 years. Don't we think we ought to be looking after the children in the United States? This is where it is, Mr. President. We have a choice to express ourselves. The President says: No, we are not going to have this for the children; yes, we are going to have this. Many of us believe that investing in the children in this country is where we ought to be invested and we ought to end the conflict and end this war.

That chart could be expressed in another way of what we are spending as, again, a matter of priorities, what we are spending per day—$333 million in Iraq versus $19 million nationwide on the children. So when the time comes, we have a very clear choice in terms of the Nation's priority.

Finally, this is a statement by Dedra Lewis, mother of Alexsiana, a child covered by CHIP from my State:

> If I miss a single appointment, I know she could lose her eyesight. If I can't buy her medication, I know she could lose her eyesight. If I didn't have MassHealth, my daughter would be blind.

One parent, one child, one piece of legislation that can make all the difference in the world.

When we have a chance to vote, we will be voting for this legislation, and we will be asking ourselves, why aren't we doing more to help the children?

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as usual, I appreciate the comments of the distinguished Senator from Massachusetts, when we are on the same wavelength. On this one, we are. I have to say that the original CHIP bill that virtually everybody acclaims as an excellent piece of legislation that has helped millions of children from working poor families, the only children left out of the process, wouldn't have come to pass except for the support of the distinguished Senator from Massachusetts. We both took a lot of flak during those early months when we were trying to solve this problem of the working-poor children.

I had two Provo, UT, families come in to see me. Both parents in each family worked. Each family had six children. Neither family, with both incomes, had more than $20,000 a year in total gross income. They clearly could not afford child health insurance. CHIP was the only answer to their plight. They were the only people left out of the process. They worked. They did the best they could.

I remember when the distinguished Senator from Massachusetts and I sat down together. We are from two opposite poles in many respects, although he doesn't realize that he is a lot more conservative than he thinks. He thinks I may be a lot more liberal than I think. But when Kennedy and Hatch can get together, people around here say: Well, if they can get together, anybody can. People tend to get out of the way because they know it took a lot of effort for us to come together.

But the original CHIP bill could not have occurred but for my distinguished friend from Massachusetts and the work he did. Even though that hasn't been broadcast very much in the current debate, it is true. In the current debate, we wouldn't be as far along if it had not been for the efforts of the distinguished Senator from Massachusetts.

There are two sides to this. Yes, there is a legitimate side in opposition to having CHIP be $35 billion above the baseline of $25 billion. That argument is that we are growing this program too fast and we are putting too many people in it who were not originally supposed to be in it. The fact is, when we wrote the original CHIP bill, we provided for a system of waivers because we were afraid we didn't cover some things that should be covered. What really bothers me is that the people complaining about CHIP costing so much today in this administration, my administration, are the ones who gave 14—well, the tail end of the Clinton administration but primarily this administration—waivers to allow this program to go to many more people than we had originally intended. In fact, two States have more adults on the program than they do children. That has caused a lot of angst. A several States are way over the 200 percent of poverty—one state even covers families with incomes up to 350% of poverty.

Let's put it this way: The opponents seem to ignore the fact that this bill covers 92 percent of kids who are under 200 percent of poverty. Yes, there is 8 or 9 percent who may be above but the

vast majority of them have lived with this program. We found that even with the moneys that we had in the original CHIP bill, which happened to be $40 billion over the last 10 years—that it wasn't enough to put all of the kids who were eligible on the program.

One of the higher costs we found has been documented by CBO. We rely on CBO around here. CBO said that the high costs come from trying to locate the kids to get them in the program so they have a shot at being healthy, so that they are not liabilities for society as a whole when they get older.

This program is very important. We fought hard to keep the program within the $60 billion—$25 billion baseline and $35 billion above the baseline, for a total of $60 billion. At first, those in the House wanted $100 billion. Then they came down to $75 billion. Finally, to their credit, they acknowledged that we were not going to do any better than $35 billion over the baseline, and Senator GRASSLEY and I had to stick with that, with the hope that the administration would recognize how hard we had worked, how important this program is, this program which they themselves would like to reauthorize, and how difficult it is to get the additional 6 million eligible kids on CHIP. To be honest with you, it proved to not be enough as far as federal funding was concerned. And, we lost out on a lot of kids who should have had coverage through this program.

Through this bill, what we are trying to do is cover the kids who should be on the program. They are basically kids of the working poor. We did add pregnant women because we thought that since this involves children and it is so important to have good prenatal care and postnatal care for the health and well-being of those children, that is a logical thing to do.

Really what bothers me about the arguments on the other side—there are legitimate arguments, there always are on both sides—is that we spend about $1.9 trillion on health care in our society today each year. About $1 trillion of it is in the private sector, and about $900 billion is in the public sector. We are asking for $60 billion out of $1.9 trillion to help the kids who are left out of the program. The CBO says even at that, we will not put enough money into this program.

Then we have the argument: This is leading to one-size-fits-all Government-mandated, socialized medicine health care. I think you could make that argument on anything we do in health care around here that involves Government. But on the other hand, I don't want to leave these kids high and dry, either. So it is very important that we get this straight and do what is right.

I have appreciated the remarks of the distinguished Senator from Massachusetts. Many on his side don't care to ever ask where is the money going to come from to pay for these things. On the other hand, in a $1.9 trillion budget, it seems to me $60 billion is not too much, especially since we are covering kids who should be covered who weren't covered in a program that virtually everybody says is important, virtually everybody says we ought to have, just not as much. And even with the $60 billion, it is my understanding, according to CBO, we will not really cover all of the kids we should, but we will cover most, which is a big improvement over the current program.

I join with the distinguished Senator from Massachusetts hoping that the administration will listen and maybe change its perception. There are good arguments on both sides. The better argument is to try to do what we can for these kids; that is, work on an overall comprehensive health care bill that will save money, have less Government intrusion, have more private sector development, give people more opportunities of choice, and give them the choice to bring costs down in the current system. People of good will on both sides could probably do that if we really set our minds, if we just don't make this one big political battle all the time. Unfortunately, it is a political battle over CHIP.

According to some in the administration, I am on the wrong side. I don't think so. I am on the right side. I believe this has to be done. Does that mean that I am not willing to modify and work and do what we can to come up with a comprehensive health care approach that emphasizes competition and opportunity, that will cover everybody? Of course not! I would like to get there. This is a bill which does not necessarily take us away from getting there, but I think some of these arguments which have been offered have been not very good and not very accurate.

Mr. KENNEDY. Mr. President, will the Senator let me proceed for 2 minutes? I see the Senator from Georgia.

Mr. HATCH. Of course, and then I think we ought to get in this debate on hate crimes. I would want to yield to Senator ISAKSON, and then I will have my remarks a little later.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened carefully to the Senator from Utah. I want to say that the 6 million children who today are covered in all parts of the country, including my State of Massachusetts, would not be if it was not for the Senator from Utah. There was a very important insistence that has been sort of lost in this whole discussion and debate.

At the time we had talked about this program, I was very interested in expanding the Medicaid Program and moving that up. Medicaid deals with the very poor. The real question was the working poor for these programs. Senator HATCH insisted we should not expand the Government program, that we have to let the States participate and involve themselves in it. This was a very contentious discussion in the debate which, eventually, Senator HATCH was successful in winning. Then we would establish the criteria, at least, of the kinds of services that were going to be provided within that kind of a program. That was a very contentious debate, but again Senator HATCH insisted the States should make the judgments on this program. Then we had the issues about trying to make sure about the inclusion, having it be more sweeping, and Senator HATCH stuck by his guns to make sure the States were going to be the ones that were going to do the outreach and set up this program.

So those issues—in terms of when we are talking about these cliches of socialized medicine or Cuban-type of medicine—for those who are really interested in the philosophical underpinnings of this program, of why it is different from other programs, if they go back and look and carefully read the bill, I must say Senator HATCH's position of insisting that the States be the full partner and be the ones that are going to have the prime responsibilities has been the fact.

I think to the credit of the Senator from Utah is the fact that so many of the Governors are in such support of this legislation—not only Democratic Governors but Republican Governors—because they have seen, they have both the responsibility and the opportunity to make a difference for their constituents.

So that is just a small ''factoid'' about the history of the development of this legislation but one that should not be lost when people are thinking about whether this is just another kind of a governmental program. The Senator insisted on principle on a number of these important philosophical issues, and the Senate, in a bipartisan way, came together to support the recommendations that eventually were worked out with members of the Finance Committee and Senator BAUCUS, Senator ROCKEFELLER, Senator Chafee, and many other colleagues. But the underpinnings were from the Senator from Utah. I think history ought to reflect that. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. He is accurate on everything except one thing; that is, the 6 million children whom we were supposed to cover, we did on an annualized basis, but really only about 4.5 million were covered fully. I wanted to add that little bit because it is apparent this program has worked. It is apparent it has worked well under this administration as well as under the Clinton administration. It is apparent it has helped millions of kids who otherwise would not have been helped. It is apparent it has helped the children of the working poor. But it has not helped all of those who deserve that help. And, over the long run, if we help them today, it will save us money and problems in the future.

Frankly, this is an important debate. I acknowledge there are people who disagree. There were back then when we first created CHIP. But the fact is, this is a program which has worked. The administration has admitted it has worked. The Governors have admitted it has worked. Maybe it is mired in politics that I wish we were not mired in. My attitude is, let's think of the kids. If there is a way of improving it, I am certainly open to that, but we have come a long way, in a bipartisan way, to get where we are. That is not an easy accomplishment in a Congress that has been pretty partisan in many respects.

I do not think some have really recognized how difficult it was to get to where we are and how many concessions both sides have made, in particular the House. So I think this has been an important part, maybe, of the debate this morning.

But at this point, how much time would the distinguished Senator from Georgia want?

Mr. ISAKSON. Mr. President, I thank the distinguished Senator from Utah and appreciate the time.

Mr. HATCH. Mr. President, can I ask how much time the Senator would desire?

Mr. ISAKSON. Mr. President, I would like to speak as in morning business for about 8 minutes.

Mr. HATCH. No objection.

Mr. KENNEDY. Mr. President, may I ask a question? I have no objection, but is this going to be within the time as expressed by the leader?

The ACTING PRESIDENT pro tempore. It would be time yielded by the Senator from Utah.

Mr. HATCH. Eight minutes, was it?

Mr. ISAKSON. Eight minutes, yes.

Mr. HATCH. Mr. President, I yield 8 minutes to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for 8 minutes.

Mr. ISAKSON. Thank you very much, Mr. President.

Mr. President, I rise today based on an occurrence that took place last evening that caused me to think a little bit about this body and our priorities right now at this time.

Two gentlemen from my home community of Cobb County, GA, invited me to go to dinner with them and about 25 other members of the Cobb Chamber of Commerce—Mr. Don Beavers, a distinguished retired marine who now works at the Chamber; and the chairman-elect, Sam Kelly. The invitation was to talk about their issues. But they did an amazing thing last night: They called Walter Reed, they called the Army, and they said they would like to entertain a couple of our wounded warriors who are being treated as outpatients at Walter Reed hospital.

So last night, I sat at a table at Old Ebbets Grill with citizens from my community and two distinguished wounded warriors from the 82nd Airborne Division of the U.S. Army. One had served in Iraq as a sniper and was injured when an IED exploded on his humvee as he was coming back from deployment near Baghdad. Since that hit, he has had 12 surgeries, with substantial reconstruction on the entire left side of his body, from his head to his toe. The other, a special operations soldier of the 82nd Airborne Division, lost his leg. Both—some time now, a year after their initial treatment—still take pain killers, still are in therapy, and still show the scars from their tragic injuries suffered at the hands of an IED in the case of one, and in the case of the other, an RPG, a rocket-propelled grenade.

As we sat at the table, I thanked them so much, as all of us do, for their service to our country and listened to their concerns and listened to their thoughts and listened to their prayers for the soldiers they left when they were injured in Iraq.

It occurred to me as we were talking that we are now in the third week in the Senate—over the third week—of debating the reauthorization of the Defense bill. Think about that. You sit at dinner one night with two soldiers who sacrificed limbs and pain and suffering for you and for me, and we continue to dawdle and get off track on authorizing or reauthorizing probably the single most important thing we ought to be doing. I am concerned that the leadership has decided to take ancillary issues unrelated to defense, unrelated to our men in the field, unrelated to what is going on in the world today, and protracting the debate on what is absolutely essential and needed.

As I sat there and listened to these two wounded warriors, both of whom suffered from explosive devices that hit their humvee or their armored personnel carrier, I realized we were still dawdling on the debate on the authorization of the MRAP; I realized we are dawdling on the debate in terms of the pay raise for our soldiers; I realized, as meritorious as some of the amendments we are discussing may well be, they all pale in comparison to the 170,000 men and women deployed right now in Iraq fighting on our behalf.

Now, there are differences of opinion on the war in the Senate, and I respect that. This is the body and this is the place where those differences should be debated and be debated thoroughly. But I want to jog everybody's memory for a second. It was May when we did the emergency supplemental that we spent not 1 week but 2 weeks on, not debating the supplemental but debating whether we should withdraw or set dates certain or leave Iraq. We had numerous votes—none of them successful—on setting a date certain. Finally, as Memorial Day approached, we decided to pass on the money so needed to support our troops. Then, 60 days later, in the middle of July, pressing before the August break, another bill came up, and once again we redebated all the same issues with regard to dates certain, with regard to withdrawal, even one with regard to defunding the military operations in the war on terror and the battle in Iraq.

Now here we are, 2 months later, in the third week of a Defense authorization bill, and we have already had these same debates once again, and the votes have not changed except they have lost by a little bit more than they lost in July. Yet, all over the country, and last night at Old Ebbets Grill, Americans are sitting down with their sons and daughters, who fought in harm's way and have come back, many of them wounded and harmed, and how do you explain to them it takes 3 weeks to debate the reauthorization of their pay or 3 weeks to debate the reauthorization of MRAP that just might have prevented the very injuries those two soldiers I sat with last night incurred?

So I think it is important that we set priorities. It is very important, I am sure, to the Senator from Massachusetts to discuss hate crimes legislation. I understand that. But in setting priorities, is it right to take something such as hate crimes—which already exists in 45 States, already exists in the Federal law in terms of race and religion—and get all off track on MRAP and reauthorizing the pay of our troops and an increase? Is that right? Is that setting the right priority? Is it important for us to do that?

Is it important for us to do some of the things that have happened over the last 3 weeks? In fact, to give a little report card, because I have been intimately involved in amendments on this bill, this Senate, in 3 weeks of debate, has passed en bloc 34 amendments to this bill—all technical, none requiring debate, one of them mine. It would seem that instead of having all the debate about ancillary subjects or about recirculating amendments that twice before on the floor of the Senate, within 6 months, have failed, it is about time we got our priorities straight. It is about time we authorize the Department of Defense. It is about time we get to the pay raise for our soldiers. It is about time we get to the MRAP that Republicans and Democrats—the Senator from Delaware, Mr. BIDEN, and all of us—have worked so hard on.

It is about time we set our priorities and get them straight. Whatever the merit of other issues may be, if they are unrelated to the Department of Defense reauthorization, they can wait until another day because every day our sons and our daughters are deployed for you and for me in harm's way. We can differ on the war, and I respect that, but there should not be a difference on the funding of our men and women deployed in the Middle East.

I, for one, call on the leadership for us to get back to the business we are called on to do. Let's complete the DOD authorization without any other dilatory tactics or any other ancillary amendments, other than those that relate to the Department of Defense.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Forty minutes on each side.

Mr. KENNEDY. On each side. Good.

Mr. President, I yield myself 8 minutes, and the Chair will notify me when that time has expired.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as we mentioned at the opening this morning, there are going to be two major decisions by the Senate this morning: one on dealing with the children's health issue, which we have had a good discussion of here this morning, and the other issue on the hate crimes legislation, which we have been attempting to realize for a period of some 10 years.

This is not a new issue to the Defense authorization legislation. We have passed it by more than 60 votes on the last occasion we had it. We passed it by a majority on other occasions. So for those who sort of suggest it is not appropriate that we deal with this, the majority—Republicans and Democrats alike—have overwhelmingly supported the legislation. But it has been a strong minority that has resisted it and refused to let it move on into law. We finally are at a time and a place and a judgment where the House of Representatives now has moved in favor of the legislation. We have an opportunity today to do it. We haven't taken an unreasonable period of time.

The application of this legislation and why it should be here is a very simple and basic and fundamental one; that is, what the Defense authorization bill is about—dealing with the challenges of terrorism overseas and the support that our men and women ought to get in dealing with terrorism overseas. This is about terrorism in our neighborhoods—terrorism in our neighborhoods—and making sure we are going to fight it. We can talk about having the MRAP, which I support, in the Defense authorization bill. We are fighting overseas with all of our weapons. We want to fight terrorism at home with all of our weapons.

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that you should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a very considerable period of time. We should not tolerate it. We keep faith with those men and women who are serving overseas when we battle that hatred and bigotry and prejudice at home. So we are taking a few minutes in the morning to have this debate and discussion.

I urge my colleagues to join me, Senate majority leader HARRY REID, Senator SMITH, and 31 cosponsors of the Matthew Shepard Act by voting in favor of cloture and our underlying amendment today. Hate crimes are domestic terrorism. Like all terrorist acts, they seek to bring fear to whole communities through violence on a few. Just as we have committed ourselves to fighting terrorists who strike from abroad, we must make the same commitment to swift and strong justice against homegrown terrorists. We have worked hard to ensure that all of our citizens can live without fear of victimization because of their race, religion, and their national origin. We have made progress over the years, but we need stronger tools to ensure that all Americans—all Americans—are protected under the law.

Hate crimes challenge us to recognize the dignity of each individual at the most basic level. When victims are selected for violence because of who they are—because of the color of their skin or sexual orientation—it is a crime that wounds all of us. Each person's life is valuable, and even one life lost is too many. No member of our society—no one—should be the victim of hate crimes. Today we can send a message that no one—no one—should be a victim of a hate crime because of their disability, their sexual orientation, their gender, or gender identity.

Hate crimes are especially heinous because they deny the dignity, the humanity, and the worth of whole segments of our society. They inflict terror not only on the immediate victims but on all their families, their societies, and, in some cases, an entire Nation. A hate crime against one member of another group shouts to the other members: You are next. You better watch your step when you leave your home, when you go to work, when you travel. This is domestic terrorism, plain and simple, and it is unacceptable as an assault from our enemies abroad who hate us just as irrationally.

At bottom, hate crimes strike out at our most fundamental, moral values. They deny the teaching that we are all—even those viewed as outcasts among us—members of the human family. They seek to divide that family by labeling some so unworthy that they should become objects of violence. They reject our great national motto, "E pluribus unum"—out of many, one. Instead, hate crimes seek to divide us, to reject whole communities by terrorizing their members.

Centuries ago, Blackstone wrote:

> It is but reasonable that among crimes of different natures, those should be most severely punished which are the most destructive of the public safety and happiness.

Hate-motivated crimes are the most destructive of the public safety and happiness and should be punished more severely than other crimes. That is why over 1,400—1,400—clergy from across the spectrum of religious traditions have come together to support the Matthew Shepherd Act. They write:

> Although we come from diverse faith backgrounds, our traditions and our sacred texts are united in condemning hate and violence. As religious leaders, we are on the front lines dealing with the devastating effects of hate-motivated violence. Our faith traditions teach us to love our neighbor, and while we cannot legislate love, it is our moral duty to protect one another from hatred and violence.

These leaders of America's religious communities have called on Congress to stand united against the oppression imposed by violence based on personal characteristics and to work together to create a society in which diverse people are safe as well as free.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 more minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, The Interfaith Alliance, a nonpartisan advocacy organization representing 75 different religions, said hate crimes are an assault upon "the belief that lies at the core of our diverse faith traditions—that every human being is endowed with dignity and worth."

This is what The Interfaith Alliance said:

> Hate crimes are an assault upon the belief that lies at the core of our diverse faith traditions—that every human being is endowed with dignity and worth.

Dignity and worth.

The simple fact is, hate crimes are different and more destructive than other crimes. As my friend, Senator HATCH, stated during our debate in 2000:

> Crimes of animus are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest and, ultimately, they are downright un-American.

The Federal Government has a responsibility to send a clear and unambiguous message that hate-motivated violence in any form, from any source, will not be tolerated. Hate crime perpetrators use violence to dehumanize and diminish their victims. This legislation fights back by reinforcing this country's founding ideals of liberty and justice for all.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty. They are on the front lines fighting against hate. We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism at home. We owe it to our troops to uphold those same principles at home. We should not shrink now from our role as a beacon of liberty to the rest of the world. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority. Now is the time for

Congress to speak with one voice, insisting that all Americans will be guaranteed the equal protection of the laws. We must pay more than lip-service to this core principle of our democracy, and we must give those words practical meaning in our modern society. No American should feel they are second-class citizens because Congress refuses to protect them against hate crimes.

Far too many times, hate crimes have shocked the conscience of the country. Tolerance in America still faces a serious challenge, and we must have the courage to act. As the Reverend Sockman said:

> The test of courage comes when we are in the minority. The test of tolerance comes when we are in the majority.

Most of us in this Chamber have lived our lives in the majority, and it is time for us to recognize the courage of those who have lived their lives in the minority and stand up for tolerance. When bigotry exists in America, each of us is diminished. Injustice inflicted on any among us is injustice against us all.

As Leviticus commands us:

> You may not stand idly by when your neighbor's blood is being shed.

For too long, the Federal Government has been forced to fight this injustice with one hand tied behind its back. We know some crimes are motivated by a desire to harm whole communities. It is time those crimes were punished in a manner that is equal to their destructiveness.

The President has threatened to veto this legislation if it comes to his desk, but I urge my fellow Senators to display the same kind of courage that came from David Ritcheson, the victim of a brutal hate crime that scarred him both physically and mentally. Rather than living in fear, David bravely came before the House Judiciary Committee and courageously—courageously—described the horrific attack against him the year before.

We should fight to protect the rights of our fellow citizens such as David and not let a veto threat stop us from doing the right thing. With both the Senate and the House moving forward on this legislation, I hope the President will hear our call and that he, too, will support this much-needed measure.

Nobel Prize laureate Elie Wiesel said:

> Indifference is always the friend of the enemy—Indifference is always the friend of the enemy—for it benefits the aggressor, never the victim, whose pain is magnified when he or she is forgotten.

Today, we can take a strong stand against indifference and intolerance.

Dr. King reminded us all that ''our lives begin to end the day we become silent against the things that matter.'' Today, this body has a chance to break the silence. It has the chance to speak with one voice in support of the value of every individual in our society. Join me and my colleagues in breaking the silence. Make the fight to end violence driven by bigotry the high national priority that it should be. Now is the time because, as Reverend Martin Luther King reminded us:

> The time is always right to do what is right.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protections of the law. I urge all my colleagues to support this amendment.

Mr. HATCH. Mr. President, how much time does each side have?

The ACTING PRESIDENT pro tempore. There is 40 minutes the Senator from Utah controls and about 25½ minutes for the Senator from Massachusetts.

Mr. HATCH. I thank the Chair. Mr. President, I yield 15 minutes to the distinguished Senator from Texas.

Mr. CORNYN. Mr. President, I know the great passion and sincerity with which our colleague from Massachusetts brings to this subject, but there is a time and a place for everything, and this is not the time—16 days into the Defense authorization bill which should have been finished a long time ago—to inject extraneous matters and matters which, as I will explain, have been poorly thought out and not completely aired by the Members of Congress.

A few blocks from here is the United States Supreme Court building, and above the entry to that building reads the motto ''Equal Justice Under The Law.'' Equal justice under the law. Too many people have sacrificed too much for too long to make sure that guarantee of equal justice under the law is a reality for Congress to continue down the path to treat some crimes unequal from others.

Every civilized Nation recognizes that all people deserve equal protection from criminal attacks. Unfortunately, there are some who reject that notion. But they are brought before the bar of justice, tried, many convicted, and many punished according to the laws we have on our books at the State level and, yes, even at the Federal level. I fear by trying to inject this extraneous matter on to a Defense authorization bill without adequate time for deliberation and discussion and inquiry, that Congress and the Senate in particular are being asked to pass on legislation without full knowledge of the consequences of the legislation.

For example, under current Federal law, an individual who violates current Federal hate crimes law can be given the death penalty by a jury in appropriate circumstances. Under this legislation the Senate is being asked to vote on today, the death penalty is not available for violating this particular amendment or this particular legislative language.

Thus, James Byrd's killers were convicted under State law, and according to a jury verdict, after exhausting all appellate remedies, were ultimately executed. If the same individuals committing those heinous acts back then were charged by a Federal prosecutor under this bill, they could not be given the death penalty by the jury. That is only one example of how this particular provision has not been thoroughly thought out or the consequences thoroughly vetted.

I will be very clear. I don't support this legislation on the merits because I do believe in equal justice under the law. I believe individuals ought to be treated as individuals and not as members of groups, and that all human beings are entitled to the dignity God gave them by creating them, and they all ought to come equally before the bar of justice when they are accused of crimes and be given equal justice under the law. It is a mistake, in my judgment, to begin to treat people unequally based on the same conduct because of notions that some crimes are simply more despicable than others based upon the individual against whom they are perpetrated.

All crimes of violence are crimes of hate. All ought to be judged according to the same criteria. All ought to be subject to the same range of punishments given to juries able to convict people based on evidence in court, not based on a politically correct notion that some crimes are more heinous than others. All crimes of violence are heinous and all ought to be punished equally under the law.

The distinguished Senator from Massachusetts has alluded to the threat of a Presidential veto of this legislation if this amendment is passed, thus, making one of my points, that by introducing this amendment on the Defense authorization bill, the sponsors of this amendment are jeopardizing our ability to pass a Defense authorization bill.

It is worth recounting what it is the Defense authorization bill provides and what they are putting in jeopardy by insisting on this extraneous amendment at this time: a pay raise of 3 percent; the authority to pay bonuses as special pay for enlistment and reenlistment; flight pay; various medical and dental benefits; nuclear incentive pay; an authorization for an additional 13,000 active-duty soldiers and 9,000 active-duty marines.

In the Boston Globe of September 27, 2007, the Army's top officer, General Casey, said what we all know, which is that the military has been stretched too thin. We know, based on the amendment offered by the distinguished Senator from Virginia, Senator WEBB, these are concerns we all share about the lengthy deployments of our troops because we don't have enough men and women in uniform, particularly in the Marines and members of the U.S. Army; and this bill, which this amendment puts in jeopardy, expands the end strength of the Army to reduce that stress and strain on our volunteer military and their families. We should not put it in jeopardy.

This bill also authorizes an additional $4 billion for the MRAPs. To recall, the MRAPs are the mine resistant ambush protected vehicles that are specially constructed vehicles devised

to defeat IEDs and save the lives and limbs of U.S. soldiers. Why in the world, in order to add extraneous legislation that has nothing to do with national security, would the advocates of this amendment jeopardize the ability to pass this Defense authorization bill, which is so important to our men and women in uniform? It is one thing to claim we support our military members; it is another thing to act on that stated conviction.

Have no doubt about it, this amendment has nothing to do with our military. There are remedies in place under the Uniform Code of Military Justice if, in fact, there is an attempt to link this to the military somehow. I think that is a spurious claim. There are a myriad of laws, since 1968 under the Federal United States Code itself, dealing with hate crimes. As I mentioned, this bill, because it has been brought in haste on this legislation without an opportunity for calm deliberation and investigation and understanding by Members, actually dilutes some of the penalties currently available under Federal law if, in fact, the same conduct were indicted or charged under this amendment if it were to become law. Why in the world would the advocates of this legislation want to dilute the punishment that is potentially available to the jury in admittedly heinous crimes?

It would be a mistake, and a mistake made out of haste. We should not indulge the desire to pass this legislation, no matter how sincere it is, in haste and without the kind of calm deliberation that will allow the Members of the Senate to understand what they are voting on and what we are doing. We should not jeopardize passing the Defense authorization bill, which contains the essential protections and benefits for our military members by loading it down with this extraneous amendment; or as the Senator from Illinois said, he wants to add an amendment relating to immigration. We know that will only spawn other amendments and burden this bill down so it will never pass. That would be a travesty.

Instead of engaging in these ill-considered attempts to burden this important legislation with extraneous amendments, we ought to be doing the rest of our work. Why are we going to have to pass a continuing resolution to keep the Federal Government open before we leave this week? It is because none of the appropriation bills that are to pay for the Federal Government to keep the Federal Government open have cleared the Congress and gone to the President to be signed. We are simply not taking care of the people's business when we engage in rabbit trails such as this amendment calls for.

I don't doubt the sincerity of the sponsors of this amendment. I disagree with them on adding this amendment to this important legislation for the reasons I have stated. I even disagree with them that some crimes ought to be treated or punished unequally than others based upon a membership in a particular group that can be identified, as I have described. So I don't doubt their sincerity; I just disagree with them. But we ought to have this debate at a time when we can focus our efforts, after a hearing and due deliberation, and after adequate consideration about the merits of the particular proposal, as we ordinarily do—not add it on 16 days after we have started the Defense authorization bill that has taken too long, jeopardizing our ability to add to the end strength and relieve the stress of our men and women in uniform and their families, and make sure they get the dignified treatment of the Wounded Warriors Act, which is part of this underlying Defense authorization bill, so we can deal with the concerns expressed again in the GAO report, which said the reforms we all want to come quickly are coming far too slowly when it comes to cutting the redtape and making sure our wounded warriors not only get the medical care they deserve, but get to move through the Department of Defense health care system and Veterans Affairs system in a way that lightens their load and not burdens them further.

I think it is a mistake to consider this amendment at this time and in this way—a way that jeopardizes this important legislation. It has nothing—zero—to do with the Defense authorization bill.

Whatever the merits of the amendment may be, I encourage the majority leader to give the proponents of this amendment an opportunity to present it at another time when we don't place in jeopardy these important benefits and relief designed to help our men and women in uniform during a time of war. We are at war. Why in the world would we be engaged in these rabbit trails on extraneous topics when we ought to be providing our men and women in uniform the relief they deserve and so urgently need.

I hope my colleagues will vote against cloture on this amendment, no matter how good the intentions may be. I disagree that it belongs on this bill. I disagree that we should jeopardize this important legislation with extraneous matters such as immigration amendments, or hate crimes amendments, or anything else that doesn't have to do with helping our men and women in uniform during a time of war.

I yield the floor.

Mr. KENNEDY. Mr. President, I listened carefully to my friend from Texas. We have spent more time in quorum calls around here over these last few days. We spent a good deal of time on a poster—expressing the will of the Senate on various posters. We spent hours on those issues. Talk about delaying paying for the troops. I didn't hear those arguments when we were trying to uparmor HMMWVs last year. So I have difficulty in giving a lot of focus and attention to it.

Quite frankly, I imagine the Senator is talking about the DREAM Act, which will permit children who have been in this country for 5 years—brought in by their parents through no fault of their own—that we either permit them to go through an education or join the military—join the military. That has something to do with the Defense authorization bill—when we find out that many units are not being kept up to speed. So we will move ahead.

How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator has 24 minutes.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, like Senator KENNEDY, I feel it appropriate to respond very respectfully to a dear friend of mine from Texas. I have great affection for him. I have only been in this body for 11 years. For 11 years, I have been working on this piece of legislation. For 11 years, it has often been put on the Defense authorization bill—passed several times by the Senate. You might wonder why is it appropriate to put on the Defense authorization bill. Let me put a human face on it. This photo depicts a Navy seaman who was a gay man serving lawfully under ''don't ask, don't tell.'' Somehow it was discovered that he was a gay man. He was beaten to death so brutally that his mother was only able to recognize his body because of a tattoo that she was able to recognize.

The U.S. military is not immune from hate crimes. It is utterly and entirely appropriate that this be on the Defense authorization bill—if not for this man's reason, for the fact that we are engaged in a war on terrorism, utilizing our U.S. military. They are fighting terrorism abroad. Surely we have the stuff in the Senate to fight terrorism at home and within the military. If you need a human face for why this is entirely appropriate, look at Allen Schindler, whose mother was only able to identify him because of a tattoo she knew he had.

In terms of doing this in haste, I am not on the Judiciary Committee, but I know there have been many hearings in Congress after Congress and debates in the past 11 years in which I have participated. This is not done in haste. This is done thoughtfully and deliberately in Senate fashion. I don't think that charge sticks, and I think it is high time we pass this legislation and that we fight terrorism at home and abroad and even within the military.

I have made it a practice, since becoming aware that the Federal Government did not have a backstop law to State law, of a need to have the Federal Government to have authority to show up to work, to be able to be a backstop to State and local law—not preempt them but to help them and to let Americans know that at every level

of their Government, we care about public safety, we care about fighting terrorism.

Some will say this law is symbolism, it will not do anything. Ever since the Ten Commandments came down off Mount Sinai, the law has also been a teacher. We all fall short of the law. But the truth of the matter is, it does set a societal standard. I believe the Federal Government should join the States in setting this standard so this law can go from symbol to substance because it can, over time, change hearts and minds.

When one does what I have done, and that is enter into the CONGRESSIONAL RECORD a hate crime committed in the United States almost every day I have served in the Senate, I think it is apparent we have a problem, and I think it is apparent the Federal Government ought to have a role.

This law, symbolic as it is, can change hearts and minds and can be real substance. We are neglecting our role in this fight against hatred at home in living up to our national motto: ''E Pluribus Unum''; out of many one.

So irrespective of one's race, religion, sexual orientation, gender, we get equal protection under the law, and this is a glaring omission in the standard of equal protection, as I see it.

When I went to law school, I learned that to establish a crime, one of the first elements you have to determine is motive and intent. Some have said this is thought speech. The truth is, no thoughts are punished here. There is nothing in this amendment that prevents one from saying and thinking anything. The first amendment is unaffected by this legislation. But what this says is, if you think it, you speak it, and you act on it, you come under the jurisdiction of local, State, and I hope Federal hate crimes laws.

It is an element in a crime. Some argue it is unconstitutional. This very issue, as it related to sexual orientation in a Wisconsin case, was tried all the way to the U.S. Supreme Court. A unanimous decision was written affirming the inclusion of sexual orientation and the constitutionality of the Wisconsin State law. I have it in my hand. It is called Wisconsin v. Mitchell. It was written by William Rehnquist, not exactly a liberal, who made it very clear that hate crimes laws are constitutional because it goes to action, criminal behavior, and the speech, the thought, all of those are mere elements in proving a crime.

Many of my brothers and sisters in the religious community are now saying on national television even that this will limit the free exercise of religion, it will limit their ability to preach and interpret the Bible any way they want. If it did that, I would not be here. But if it did that, they would already be in jail because most States in the United States already have these laws. They are constitutional. They go to the elements of establishing the commission of a crime.

It is high time we passed this legislation. We have passed it as a Senate many times. We now have an opportunity to get it to the next step. I hope and pray the President does not veto it. We are not doing this in haste. We are not doing this because it is inappropriate on the Defense authorization bill. We are doing it because it is high time the Federal Government be able to show up to work in rural places such as Laramie, WY, where this young man was brutally beaten to death. This is Matthew Shepard. Matthew's mother Judy is a friend of mine. The sheriff in Laramie, WY, is one of the individuals who persuaded me they needed the help of the Federal Government. They were overwhelmed with what happened in the case of this young man, a 21-year-old college student whose life was taken on this lonely fence.

His life was taken not because they wanted his money or they wanted something else from him. They knew he was gay, and they beat him and left him to die on this fence in Wyoming.

With Matthew's mother's permission, Senator KENNEDY and I have named this amendment the Matthew Shepard Act. What happened to Matthew should happen to no one, no matter their religion, no matter their race, no matter their ethnicity, no matter their sexual orientation, because in the public square, we are all imperfect people. In the public square, we have a duty to provide public safety for all Americans, no matter their transgressions or whatever we think of their lifestyles.

This is a glaring omission in Federal law. I hope we are about to right it, and I hope as we do, we will remember the sacrifice and the commitment and the advocacy of Judy Shepard on behalf of her son and his memory. Let us enshrine this act in his name in our law because it is the right thing to do, and it is about time we do it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I will take a few seconds, and then I will yield to the distinguished Senator from South Carolina.

To be honest with you, I don't think anybody differs with about 90 percent of what the distinguished Senator from Massachusetts or the distinguished Senator from Oregon have said, but it needs to be pointed out that in every case they have cited, State law took care of it and took care of it stronger than this bill will take care of it.

Frankly, whether it is Matthew Shepard or whether it is Byrd or whether it is the other case the distinguished Senator from Oregon mentioned, there is no need to federalize these crimes because they are being taken care of.

I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, before my colleague from Oregon leaves, I don't think there is anybody in this body who is more respected than Senator GORDON SMITH. He is a very sincere, thoughtful guy who tries to personalize issues that affect people throughout this country. I know he is motivated by all the right reasons, but somebody needs to talk about the politics.

This legislation has been placed on the Defense authorization bill in the past. It never made it out of conference because we knew, with the makeup of the conference, the amendment would fall. Given the makeup of this conference, the amendment will be part of the bill and it is going to be vetoed. That is the politics. Whether one agrees with President Bush, he said he is going to veto this bill, and if I were him, I would as Commander in Chief. I would not buy into this way of legislating.

Another reason for this amendment, if you think there is a gap in military law that without this kind of amendment the military is not going to prosecute people who act on their prejudices, you are wrong. If someone in uniform commits a crime against a civilian or another person in uniform, I don't care why they did it; if they beat somebody up, hurt somebody, they are going to get prosecuted. That is the way the military law works.

We are not doing the military a favor by passing this legislation because there is no problem in the military in terms of how justice is administered. Whatever motivates you to hurt someone or to take the law in your own hands or act on your prejudices, you are going to be dealt with because we cannot have good order and discipline in the military when people can hurt someone based on their individual prejudice because the whole unit falls apart. This is nothing the military needs. They are going to take care of violence in the ranks based on the law they already have.

I can assure my colleagues that no one in the military gets a pass because of the status of their victim. If you engage in violent conduct, inappropriate behavior, illegal behavior, the law is going to come down on your head because we need good order and discipline.

The politics of this amendment is that this bill will get vetoed. The President is not going to agree to this social legislation on the Defense authorization bill, and we have to take responsibility for that action. Whether one agrees with him or not, we are going to put in jeopardy items the military does need. They don't need a hate crimes bill to make it an effective fighting force. We already have disciplinary tools to discipline people. They need pay raises and MRAP protection, and this bill provides those items.

Members of this body have different views about hate crimes legislation. We can argue those differences any time, anywhere, on any other piece of

legislation. It can be brought up as a freestanding bill. But to put it on this bill is going to put in jeopardy items our men and women who are in combat and being shot at need. When I go to Iraq, I don't have a lot of people coming up to me saying we need to pass a hate crimes bill. They do need better body armor. They do need pay raises. They do need better MRAPs.

I think this is a very poor use of the legislative process knowing the end game. The end game is, we are going to hijack the Defense authorization bill by legislation not needed in the military, that is contentious, and that has an opportunity to be debated somewhere else. I hope reason prevails eventually.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Massachusetts controls 14 minutes, and the Senator from Utah controls 22 minutes.

Mr. LEAHY. Mr. President, I yield myself up to 5 minutes from the time of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate is considering an amendment to the Department of Defense bill to address crimes that terrorize entire communities. Violent crimes motivated by prejudice and hate are tragedies that haunt American history. From the lynchings that plagued race relations for more than a century to the well-publicized slayings of Matthew Shepard and James Byrd, Jr., in the 1990s, this is a story we have heard too often in this country. Unfortunately, in my home state of Vermont, there have been two recent attacks that appear to have been motivated by the victims' religion or sexual orientation. A well-respected State representative in the Vermont Legislature has not been immune to threats of violence based solely on his sexual orientation.

I am proud to once again be a cosponsor of this legislation. I would like to express my appreciation to the Senator from Massachusetts and the Senator from Oregon for their work on this. I hope that this time Congress will have the courage to pass it. Six years ago, I made this bill one of the first major bills to move through the Judiciary Committee after I became chairman. It passed the Senate in the 106th Congress and again in the 108th Congress, but Republicans in the House blocked this important bill each time. In the Democratically led House of Representatives, the companion bill this year passed by a wide bipartisan margin. So I am hopeful that this time, Democrats and Republicans in the Senate will join together finally to enact this civil rights measure into law.

This hate crimes legislation improves current law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to be engaged in a narrow range of activities, such as serving as a juror, to be protected under Federal law. This bill also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability, which is an important and long overdue expansion of protection. Finally, this bill provides assistance and resources to State, local, and tribal law enforcement to address hate crimes.

The crimes targeted in this bill are particularly pernicious crimes that affect more than just their victims and their victims' families—they inspire fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. When James Byrd, Jr., was dragged behind a pickup truck and killed by bigots in Texas in 1998 for no reason other than his race, many African Americans throughout our Nation surely felt diminished as citizens. When Matthew Shepard was brutally murdered in Wyoming the same year because of his sexual orientation, many in the gay and lesbian community felt less safe on our streets and in their homes. These crimes promote fear and insecurity that are distinct from the reactions to other crimes, and we need to take action to enhance their prosecution.

All Americans have the right to live, travel and gather where they choose. In the past, we have responded as a Nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for nearly 150 years. The Local Law Enforcement Hate Crimes Prevention Act continues that great and honorable tradition.

This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for State and local law enforcement. States will still bear primary responsibility for prosecuting most hate crimes, which is important to me as a former State prosecutor. In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from State and local law enforcement organizations across the country.

Moreover, this bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

We have been trying for years to pass the Local Law Enforcement Hate Crimes Prevention Act. It is appropriate to attach this important legislation to the pending Department of Defense authorization bill, as we have done twice in recent memory, because this is a pressing issue. I hope that we will not see another Republican-led filibuster on what should be a bipartisan measure.

Adoption of this amendment will show once again that America values tolerance and protects all of its people. I urge the opponents of this measure to consider the message it sends when year after year, we are prevented from enacting this broadly supported bill. The victims of hate deserve better. Let us join together and adopt these provisions without further obstruction and delay.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. President, I wish to express again my strong support for the reauthorization of the Children's Health Insurance Program. When we talk about the work of this Congress, I believe the extension of CHIP will stand out as one of the great accomplishments of this body. The bill is a clear statement of the priority of the majority in the Congress.

In passing this legislation, we state clearly that the health of our Nation's children is an issue too important to be dealt with in a ''business as usual'' fashion. This is a program that represents the best of what can happen when Members of both sides of the aisle come together to forge a consensus, with Democrats and Republicans working together for that consensus.

The outcome is a solid compromise on a vital issue: more health insurance coverage for millions of children. The choice is clear. Either you support children's health care or you do not. Either it deserves to be a high priority on our agenda or it does not. Frankly, as a parent, as a grandparent, I don't see this as a choice at all. It is a matter of priority. Few issues are as important as caring for our children.

Instead of helping more families who are struggling to afford basic health care for their children, the President would cut thousands in Vermont who have coverage right now. He is failing to lead, so Congress again is stepping in to realign our priorities.

If we can find the money to fund the war in Iraq for 41 days, the same amount that would pay for 10 million children to have health insurance for a whole year, then we can pay for this bill. I have heard some argue the bill should be opposed because it raises taxes on tobacco—just tobacco. Anyone who opposes this bill on these grounds is choosing big tobacco over children's health.

I support this bill because I believe it is a travesty that in the richest, most

powerful country in the world, there are more than 47 million people without health insurance. It is an absolutely shocking number. It represents roughly one in six people who are going without regular trips to the doctor and foregoing needed medications and who are forced to use the emergency room for care because they have nowhere else to turn. These are our friends, our neighbors, and millions of our children.

My wife, during the years when she worked as a registered nurse, saw these people and realized what happened to them.

The legislation before us will extend and renew health care coverage for 10 million children. My own State of Vermont has been a national leader in children's health care. Even before the creation of CHIP, we knew this was the right thing to do. Because of our early action, Vermont has the lowest rates for uninsured children in the country, making our State a leader and an example for the rest of the Nation. This bill will bring us still closer to the goal of covering all children in our State but also to thousands elsewhere.

We are faced with many choices in the Senate. For me, the choice in this bill is clear. It is a must-pass bill. It is worthy of our support. I urge all my colleagues to stand for the children of this country and support this bill, and I urge the President to abandon his ill-advised threats and to sign it into law. If we can afford the war in Iraq, we can afford to insure our children.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just want to share a few thoughts with my colleagues on the pending amendment. This hate crimes legislation is constitutionally dubious and very unusual legislation in the history of how we do law enforcement in America.

What I want to say to my colleague is that a murder in Utah, a murder in Massachusetts, a murder in Alabama is not a Federal crime unless certain other events occur, unless it is related to some other event. A robbery in any State is not a Federal crime per se. It has to be robbery of a Federal bank. It has to be robbery of an interstate shipment or something of that nature. But simple assaults, simple murders, no matter how grievous, are not Federal crimes. So the Supreme Court has been cautious about that and has raised questions about it.

Now, with regard to our history of legislating in this area, we have made Federal civil rights laws applicable to assaults and murders of people in America on account of their race, and the Supreme Court has upheld that. One of the fundamental reasons for that is that in many areas of the country, for many years—truly not so today, I believe, but in the past, areas such as my area of the country, have not prosecuted those cases, and there was a historical record of a failure to effectively prosecute in racial assaults that affected people's fundamental civil liberties. So that has been upheld. But the legislation we are talking about today is about picking an area that people care about and are concerned about and feel deeply about, which is that people should not be assaulted or abused as a result of their sexual orientation, and now we want to create a Federal crime wherever in America such an assault or an illegal activity or murder against that person occurs. We want to make that a Federal crime.

One of my colleagues said it is a backstop for the Federal Government. It is not a backstop. I was a Federal prosecutor. Federal law has priority. So this is a move in that direction.

So the question is, what about the elderly? What about those who are sick and infirm? What about police officers, if they are murdered? Do we need the Federal Government to make that a crime also and be able to prosecute all of those murders throughout the country when we have never done that historically? It is a big deal from that perspective, and that is why it is constitutionally suspect.

A State can pass such a law, I will admit. The Federal Government can pass such a law on Federal property, military bases, and the District of Columbia. But when the Federal Government reaches into a State that has no interstate nexus and creates a crime of this kind, I think it is, first, constitutionally questionable; secondly, not necessarily good policy because what other kinds of crimes motivated by what other kinds of malintent are we going to now make a Federal crime?

So Senator HATCH has explicitly and openly and directly delineated the very aggressive prosecutions we are seeing in States for hate-type crimes against homosexuals, and he has shown how a number of them have gotten a death penalty, which this act does not provide for, but State laws do. We have no record to indicate there is a shortage or a lack of willingness to prosecute these cases, so I think, under those circumstances, we ought not to do it.

I also would note it would be a tragic thing indeed if this Defense bill would be vetoed as a result of this extraneous piece of controversial legislation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, this has been an interesting exercise, as far as I am concerned, but I rise to oppose this hate crimes legislation. This is wrong—hate crimes legislation. Instead, we have the opportunity to support the prosecution of hate crimes in a meaningful and a legitimate way that is different from this.

I have said for years in this Chamber that violence motivated by bias against a particular group is abhorrent. Everybody in this body believes that. There is no issue here. We believe that. I believe such conduct must and should be made a crime and punished differently from other crimes. I know all of my colleagues share my conviction about hate crimes. But where should that conviction lead us? The conviction that hate crimes are abhorrent leads me to ask what Congress may properly do about it. That conviction cannot, however, justify supporting the wrong legislation.

The Senate has before it today two amendments which represent two different approaches to the problem of hate crimes. I believe the amendment offered by my good friend from Massachusetts, Senator KENNEDY, is unwise, unnecessary, and unconstitutional. Some would argue the ends justify the means. They say, if you believe hate crimes are abhorrent, then you must vote for the Kennedy amendment. That certainly is not true, and I urge my colleagues to resist that sort of misguided pressure.

Our obligation is not only to pursue the right goals but to do it in the right way. The Kennedy amendment would federalize the prosecution of hate crimes. It would create a new Federal felony, punishable by up to 10 years in prison, for causing bodily injury to another because of that person's actual or perceived religion, national origin, gender, sexual orientation—gender identity?—or disability.

This amendment is unwise because of how it is drafted and how its supporters are trying to get it passed. The Senator from Massachusetts introduced S. 622 in the 106th Congress. He introduced S. 966 in the 108th Congress. He introduced S. 1105 in April. It would prohibit violence motivated by an additional new category of bias. The amendment before us today would do the same. That process of adding categories constituency by constituency and extending the reach of the Federal hate crimes law could continue indefinitely.

When my colleagues consider whether to support the current Kennedy amendment, even if they have supported previous versions, they should know that this amendment before us today is broader than any version of this legislation ever considered by this body. In its latest iteration, the Kennedy amendment would prohibit violence motivated by gender, sexual orientation, and gender identity. Now, there has been no public discussion about what these terms mean, how they may differ, and whether they can be applied in anything approaching a consistent and reasonable way.

But let me address another problem with including the latest new category—what the Kennedy amendment calls perceived gender identity. The term ''perceived'' applies to gender identity as it applies to the other categories, and it refers to the perpetrator's perception. In other words, the amendment prohibits violence based on

what the perpetrator perceives to be the victim's gender identity. But the term ''gender identity'' refers to the victim's perception. Get that? The term ''gender identity'' refers to the victim's perception.

The online resource Wikipedia defines gender identity as:

> Whether one perceives oneself to be a man, a woman, or describes oneself in some less conventional way.

Now, the contradiction is obvious. The Kennedy amendment would criminalize violence based on the perpetrator's perception of the victim's self-perception. Whether or not this is good sociology—and I don't believe it is—it is bad legislation.

The Kennedy amendment is also unwise in the way its supporters are trying to get it passed. Even though my good friend from Massachusetts introduced it as a separate bill, we are here today considering it as an amendment to the Defense authorization bill. Some justify that by saying it would also protect members of the military. This measure would protect those serving in the military as well as everyone it attempts to cover whether it is attached to this bill or any other bill on any other subject at any other time. So that is not a good argument.

Its proponents wanted to attach the Kennedy amendment to this legislative vehicle not because it is relevant to the Defense authorization bill but because we consider the Defense authorization bill around here to be what we call a must-pass bill. If the Kennedy amendment prohibited violence against individuals because of their status as members of the military, I suppose it might be more relevant to the Defense bill. But I note that the Kennedy amendment does no such thing.

The Kennedy amendment does not belong on the Defense authorization bill, especially when the President has already threatened to veto the amendment and may have to veto this bill because of this amendment, a bill that is absolutely necessary for the benefit of our soldiers.

Now, in addition to being unwise, the Kennedy amendment is unnecessary. State laws already provide for prosecuting the underlying violence prohibited by the Kennedy amendment. Laws against murder, rape, assault, and the like are State laws, and they should remain that way. Forty-six States also have hate crimes legislation on the books that either criminalize substantive offenses or enhance criminal penalties for existing offenses because of their motive or bias.

By the way, the murderers of James Byrd in Texas and Matthew Shepard in Wyoming, after whom this bill is named, were either sentenced to death or are in prison for the rest of their lives under State law, more than this bill would do. My point is, State laws have been taking care of these matters, and there is absolutely no evidence that the proponents of this bill have been able to show that States are not doing their job under their laws, which are better than this law.

While these are the most widely cited examples, the Byrd and Shepard cases, and the other case cited by my friend from Oregon to demonstrate the need for the Kennedy amendment, it would treat both of these hate crime murders more leniently than current State law does.

There is no evidence that State and local governments are incapable of prosecuting these crimes, or that they are failing to do so.

Fewer than 17 percent of all law enforcement agencies reported even a single hate crime in 2005.

Hate crimes account for less than one-tenth of 1 percent of crimes in America.

The majority of hate crimes involve such things as vandalism or verbal intimidation.

By requiring actual or threatened bodily injury, the Kennedy amendment focuses on an even smaller portion of hate crimes.

This means that States would be more, not less, able to address the hate crime problem themselves.

The States are, in fact, already doing so.

In addition to being unwise and unnecessary, the Kennedy amendment is unconstitutional.

Yesterday in this Chamber, my good friend from Massachusetts strenuously emphasized, clearly and unambiguously, that his amendment is not limited by existing Federal jurisdiction.

In fact, he deliberately wants to break this new Federal hate crime felony free from any such limitation.

In his words, the limitation of requiring Federal jurisdiction for such a Federal crime would be ''outdated, unwise, and unnecessary.''

He said the same thing in April when he introduced this measure as a separate bill.

But the requirement that Congress have authority to legislate on such an issue derives from the very Constitution that each of us has sworn to support and defend.

We must have affirmative authority, derived from the Constitution, to legislate.

By giving us only delegated powers, America's founders rejected the idea that the desirable ends justify the political means.

Federalizing crime is legitimate only when it is connected to a power properly exercised by the Federal Government.

Rejecting the requirement of Federal jurisdiction in the legislation before us is rejecting the limitations imposed upon us by the Constitution.

With all due respect to my good friend from Massachusetts, I do not believe the Constitution is outdated, unwise, or unnecessary.

In its findings, the Kennedy amendment cites the 13th amendment to the Constitution, which banned slavery and involuntary servitude, as a constitutional basis for this legislation.

Modern forms of slavery do exist, and I urge my colleagues to support efforts by the Departments of Justice, Labor, and State to uncover and eliminate such heinous practices as human trafficking and forced prostitution.

But that is not what the Kennedy amendment, or existing hate crimes laws for that matter, are about and they cannot hook their train to the 13th amendment engine.

Connecting 19th century slavery with 21st century perceived gender identity at least requires a long series of rhetorical dots, but it should require more than a storytelling imagination to produce sound legislation.

The Kennedy amendment's growing list of prohibited bias categories extends far beyond anything the Supreme Court has ever recognized as relating to the badges and incidence of slavery.

We do not have to speculate about other constitutional defects in the Kennedy amendment.

As I said yesterday in this chamber, the Supreme Court struck down a portion of the Violence Against Women Act—I was a prime sponsor with Senator BIDEN of that bill—because Congress's authority to regulate interstate commerce did not extend to turning State crimes into Federal lawsuits.

The Court emphasized the distinction between the truly national and truly local and concluded that Federal legislation must be directed at such things as the actual instrumentalities, channels, or goods involved in interstate commerce.

The Kennedy amendment tries to avoid the same fate by appearing to require an interstate commerce nexus for some of the hate crimes it would cover.

If its backers are serious about this requirement, as the Supreme Court surely is, this would further reduce the hate crimes the Kennedy amendment would actually reach.

Their rhetoric and the ever-expanding list of prohibited bias categories in successive versions of this legislation, however, make me wonder whether they genuinely want the Kennedy amendment to be so narrowly applied.

As I said in this chamber yesterday, my good friend from Massachusetts, in the straightforward and direct way we have all come to appreciate and respect, has said unequivocally that all hate crimes will face Federal prosecution.

This will lead to a massive federalization of hate crimes that traditionally have been, and that constitutionally should remain, left to the authority of the States.

There is no need to burden prosecutors and courts and do such damage to our constitutional framework of government.

Our conviction about hate crimes cannot, it must not, blind our conviction about the need for wise legislation and respecting the fundamental limits of our constitutional authority.

While the Kennedy amendment is unwise, unnecessary, and unconstitutional, the good news is that we can do

something legitimate and meaningful about hate crimes without back-handing the Constitution.

The amendment I have offered would strengthen enforcement of hate crimes laws right where that enforcement may legitimately and most effectively occur, at the State and local level.

My amendment would charge the Comptroller General, in consultation with the National Governors Association and State and local law enforcement, with studying whether State and local governments are properly and effectively addressing hate crimes.

This would give us a more objective understanding of the nature and scope of the hate crimes problem so that we can better determine whether there is any basis for a greater Federal role before we go off on this massive sweeping legislation the distinguished senator from Massachusetts is urging. My legislation would help identify whether any gaps exist in the ability and determination of States to prosecute hate crimes and provide Federal resources to help them do so.

The authority to prosecute hate crimes rests with the States, and if we truly want both to address hate crimes and stay within our proper constitutional role, we can help the States effectively carry out their responsibility.

I said it before, and I will say it again.

Crimes of violence, no matter their motivation, are abhorrent.

I recognize that some crimes of violence are directed not only against individual victims, but against the groups or communities with which those victims identify.

Concern about hate crimes, however, is only the beginning of the discussion and the political ends do not justify the legislative means.

I know that my good friend from Massachusetts is genuinely passionate about what he sees as an injustice.

His amendment, however, is the wrong way to address the problem.

The Kennedy amendment is unwise, unnecessary, and unconstitutional.

It is unwise in its drafting and in the way its supporters are trying to get it passed.

It is unnecessary because States have their own hate crimes laws and are demonstrably able to address the problem.

It is unconstitutional because Congress lacks authority to create such a freestanding criminal felony unrestricted by Federal jurisdiction.

I urge my colleagues, instead, to do the right thing and to do it the right way by supporting the amendment I have brought to the floor.

I find no fault with people who are sincere in trying to do things that sincerely are well motivated. But we should live within the confines of the Constitution. There is no nexus that would justify this type of overwhelming legislation, imposed upon everybody in this country, when the States are already doing the job.

We have two hate crimes amendments before us today. One is extremely broad, probably unconstitutional, and likely unnecessary. The President has threatened to veto it. The amendment would torpedo the Defense authorization bill. The other is a more modest approach. My amendment would assist State and local law enforcement as they do the hard work of providing equal justice for all their citizens. The Kennedy amendment is sweeping, but it cannot realistically get done on this bill. Mine is a modest, and I believe adequate, approach to this problem, and it would become law. To quote an unappreciated political philosopher:

> You can't always get what you want. But if you try, sometimes, you'll find you get what you need.

I urge my colleagues to vote against cloture on the Kennedy amendment and for cloture on my amendment and I think we will make better headway than we would if we agree to the Kennedy amendment.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I support the passage of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007. We have all heard the story of Matthew Shepard: the 21-year-old student at the University of Wyoming who was brutally beaten—his skull smashed—and tied to a fence with a rope and left to die—because he was homosexual. No one should be targeted because of the color of their skin, their religion, their gender or their sexual orientation.

In April of this year, I joined Senators KENNEDY, SMITH, and others in introducing hate crimes legislation. This amendment, which is identical to that legislation, for the first time will expand the definition of a hate crime to include gender, gender identity, disability, and sexual orientation. It gives the Justice Department jurisdiction over crimes of violence committed because of a person's actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability. Existing law only covers race, color, religion, or national origin-based hate crimes, where the victim was engaging in one of six 'specified activities.' It will also strengthen the ability of the Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, and disability.

Some have said that this bill will take away first amendment rights. That is just not true. This law would punish violent acts, not beliefs. This legislation only applies to violent, bias-motivated crimes and does not infringe on any conduct protected by the first amendment. The first amendment right to organize against, preach against and speak is not impinged.

America's diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

America has taken many steps throughout our history on a long road to become a more inclusive Nation.

We are hopefully about to take another one if we adopt the Matthew Shepard Hate Crimes Prevention Act of 2007.

Ms. FEINSTEIN. I rise today in support of the Kennedy-Smith amendment No. 3035, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007.

This legislation is a crucial step toward prosecuting crimes directed at thousands of individuals who are the targets of brutal and senseless violence.

The current Federal hate crimes law simply does not go far enough. It covers only crimes motivated by bias on the basis of race, color, religion, or national origin.

This amendment improves the current Federal hate crime law by including crimes motivated by gender, gender identity, sexual orientation, and disability.

Congress must expand the ability of the Federal Government to investigate and prosecute anyone who would target victims because of hate. In those States with State hate crimes laws, the Federal Government must provide the resources to ensure that those crimes do not go unpunished. We can and must do more.

In my own State of California, horrific instances of violence signify the critical need for legislation today.

I would like to share just a few examples:

In Santa Ana, retired Federal agent Narciso Leggs, Jr., was found strangled and tortured on June 29 in his southern California apartment. The killer placed a smiling ceramic angel on the victim's shoulder blade and wrote antigay slurs on his flesh with a black marker.

Another instance, in Los Angeles, CA, this past Spring: James McKinney, a mentally disabled man, was beaten to death by an unidentified man wielding an aluminum baseball bat as he was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera on Tuesday May 29, but his attacker remains at large.

In San Diego, attackers wielding baseball bats and shouting antigay slurs beat two men and stabbed a third in the back. The attack was the first in more than a decade at San Diego's annual gay pride festival.

Lastly, one of the most well-known cases in California happened in West Hollywood to actor Trev Broudy in 2002.

The night of his attack, Trev Broudy was hugging a man on a street. Three men with a baseball bat savagely attacked the actor, leaving him in a coma for approximately 10 weeks. As a result of the attack, Trev suffered brain damage, lost half of his vision, and has experienced trouble hearing.

The crimes are brutal. The attackers targeted their victims because of who they are. Yet none of these crimes can be prosecuted as a Federal hate crime.

These are not isolated instances. These crimes occur all over the country. According to FBI statistics, 27,432 people were victims of hate-motivated violence over the last 3 years. That is an average of over 9,100 people per year, with nearly 25 people being victimized every day of the year, based on their race, religion, sexual orientation, ethnic background, or disability.

Even more disturbing is the fact that these FBI statistics show only a fraction of the problem because so many hate crimes are unreported.

The Southern Poverty Law Center estimates that the actual number of hate crimes committed in the United States each year is closer to 50,000, and survey data from the biannual National Crime Victimization Survey suggests that an average of 191,000 hate crime victimizations take place per year.

Race-related hate crimes are the most common, but crimes based on religion, ethnic background or sexual orientation are also significant. In fact, a close analysis of hate crimes rates demonstrates that groups that are now covered by current laws—such as African Americans, Muslims, and Jews—report similar rates of hate crimes victimizations as gays and lesbians—who are not currently protected.

On average, 8 in 100,000 African Americans report being the victim of hate crime; 12 in 100,000 Muslims report being the victim of hate crime; 15 in 100,000 Jews report being the victim of hate crime; and 13 in 100,000 gay men, lesbians, and bisexuals report being the victim of hate crime.

Every individual's life is valuable. Congress must act to protect every person who is targeted simply because of who they are.

Specifically, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007 expands on the 1968 definition of a hate crime.

Under current Federal law, hate crimes only cover attacks based on race, color, religion, and national origin. Under this amendment, hate crimes will include gender, gender identity, sexual orientation, and disability.

The bill enables States, local jurisdictions, and Indian tribes to apply for Federal grants in order to solve hate crimes and provides Federal agents with broader authority to aid State and local police.

Additionally, the bill amends the Hate Crime Statistics Act by inserting ''gender'' and ''gender identity,'' allowing law enforcement agencies to gather data on the newly protected groups.

This is not a new bill. It was first introduced in 1998. It has passed the Senate three times: in 2000, and in 2002 and 2004 as an amendment to the Department of Defense authorization bill.

It passed the House this year as a stand-alone bill and last year as an amendment to the Adam Walsh Act.

It is bipartisan. It has 44 cosponsors in the Senate and 171 cosponsors in the House. It is endorsed by over 210 law enforcement, civic, and religious organizations and has the support of 73 percent of the American population.

There is no excuse for not passing this bill out of the Senate today. This bill is not about free speech. It is about crimes of violence—often brutal, savage acts of violence. These crimes target a person solely because of that person's race, sexual orientation, religion, gender, national origin, or disability. By terrorizing one member of a group, they terrorize entire communities of people. These crimes damage our social fabric. We must be clear that we cannot tolerate this kind of intimidation.

Today, I ask all of my colleagues to rally against hate by working to ensure that this legislation is not simply supported but actually passed and signed into law.

Until it is enacted, many hate crime victims and their families will not receive the justice they deserve.

Let us send a message to all Americans that we will no longer turn a blind eye to hate crimes in this country.

Mr. KERRY. Mr. President, I still remember standing on the steps of the Capitol on October 14, 1998—thousands gathered on a cool autumn evening—to remember Matthew Shepard 2 days after he had been killed in Laramie, WY.

That night I said:

> Matthew Shepard is not the exception to the rule—his tragic death is the extreme example of what happens on a daily basis in our schools, on our streets, and in our communities. And that's why we have an obligation to pass laws that make clear our determination to root out this hatred. We hear a lot from Congress today about how we are a country of laws, not men. Let them make good on those words, and pass hate crimes legislation.

Almost 10 years have passed since that candlelight vigil—10 years too long for Washington to do what was so obviously needed. Violent hate crimes are on the rise—almost 10,000 violent acts of hate against individuals based on their sexual orientation have been reported to the authorities since Matthew Shepard's murder. What a tragic reminder of the urgency of providing local law enforcement with the added resources and support needed to get tough on hate crimes. What a horrific wake-up call to a sleepy Washington about the need to ensure a Federal backstop to assist local law enforcement in those cases in which they request assistance or fail to adequately investigate or prosecute these serious crimes.

The good news is that today with this Senate vote we will move one step closer than ever to legislating a Federal hate crimes law that includes sexual orientation and gender identity—the Matthew Shepard Act.

This is the least we can do, as we committed to do that night in 1998, to insure that ''the lesson of Matthew Shepard is not forgotten.'' It is the least we can do to right a wrong in an America where every morning, someone takes the long way to class, an America where every day someone looks over his shoulder on the street, and still today in America innocent people fear for their safety—all because some people hate them for being who they were born to be—gay, lesbian, bisexual, or transgender.

This fight is not over, but this vote is an important milestone in the fight—a day when I hope we will begin at last to turn the tide, and reaffirm our faith that the strength of human justice can overcome the hatred in our society by confronting it.

I want to thank my friend and colleague, Senator KENNEDY, for his hard work to address hate crimes and ensure that this vital legislation is enacted.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened with great interest to my friend from Utah describe this legislation. He has followed one of the great traditions of the Senate. That is, he has misrepresented and misstated my position and then he has differed with it. I know that technique because I have used it a few times myself.

I hope, for those of our colleagues who have been following this debate, to keep in mind very briefly—I outlined earlier the principal reasons for this—but with regard to what is happening in the local communities, and in the States, the fact is the National District Attorneys Association is supporting this legislation. Do you believe if we were doing all the things the Senator said, if we were violating everything local and State, the National District Attorneys Association would be supporting this? The National Sheriffs' Association is supporting it, as is the States Attorneys General of the United States. The principal law enforcement agencies in the States are supporting it. Do you think they would be supporting this if it was unconstitutional? You don't think they would have the opportunity to know what is constitutional or not constitutional? And you don't think they understand what is necessary to protect their citizens from the viciousness of hate crimes?

There it is. I ask unanimous consent the entire list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Letters From Organizations That Support the Local Law Enforcement Hate Crimes Prevention Act of 2007

1. American-Arab Anti-Discrimination Committee
2. American Association of University Women
3. American Civil Liberties Union
4. American Jewish Committee
5. American Psychological Association
6. Anti-Defamation League
7. Asian American Justice Center
8. Center For the Study of Hate and Extremism
9. Hadassah
10. Human Rights Campaign

11. Interfaith Alliance
12. International Association of Chiefs of Police
13. Jewish Council for Public Affairs
14. Leadership Conference on Civil Rights
15. Major Cities Chiefs Association
16. Matthew Shepard Foundation
17. NA'AMAT USA
18. National Association of Lesbian, Gay, Bisexual & Transgender Community Centers
19. National Association for the Advancement of Colored People
20. National Center for Transgender Equality
21. National Council of Jewish Women
22. National District Attorneys Association
23. National Organization for Women
24. National Sheriffs' Association
25. Organization of Chinese Americans, Inc.
26. People for the American Way
27. PFLAG
28. Religious Action Center of Reform Judaism
29. SALDEF (Sikh American Legal Defense and Education Fund)
30. States Attorneys General
31. Unitarian Universalist Association
32. The United States Conference of Mayors
33. United States Student Association
34. Group Letter: Religious Organizations: African American Ministers in Action, American Jewish Committee, Anti-defamation League, Buddhist Peace Fellowship, Catholics for a Free Choice, Church Women United, The Episcopal Church, Hadassah, Hindu American Foundation, The Interfaith Alliance, Jewish Council for Public Affairs, Jewish Women International, Muslim Public Affairs Council, NA'AMAT USA, National Council of Churches of Christ, National Council of Jewish Women, North American Federation of Temple Youth, Presbyterian Church USA, Sikh Council on Religion and Education, United Church of Christ Justice and Witness Ministries, Union for Reform Judaism, United Methodist Church General Board of Church and Society, Unitarian Universalist Association of Congregations, United Synagogues of Conservative Judaism and Women of Reform Judaism.
35. Group Letter: Consortium for Citizens with Disabilities: Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Association on Health and Disability, American Association on Intellectual and Developmental Disabilities, American Association on Mental Retardation, American Association of People with Disabilities, American Council of the Blind, American Counseling Association, American Dance Therapy Association, American Medical Rehabilitation Providers Association, American Music Therapy Association, American Network of Community Options and Resources, American Occupational Therapy Association, American Psychological Association, American Therapeutic Recreation Association, American Rehabilitation Association, Association of Tech Act Projects, Association of University Centers of Disabilities, Autism Society of America, Bazelon Center for Mental Health Law, Council for Learning Disabilities, Council of State Administrators of Vocational Rehabilitation, Easter Seals, Epilepsy Foundation, Helen Keller National Center, Learning Disabilities Association of America, National Alliance on Mental Illness, National Association of Councils on Developmental Disabilities, National Coalition on Deaf-Blindness, National Disability Rights Network, National Down Syndrome Society, National Fragile X Foundation, National Rehabilitation Association, National Respite Coalition, National Structured Settlement Trade Association, NISH, Paralyzed Veterans of America, Research Institute for Independent Living, School Social Work Association of America, Spina Bifida Association, The Arc of the United States, United Cerebral Palsy, United Spinal Association, World Institute on Disability.
36. Group Letter: National Partnership for Women and Families: 9 to 5 Bay Area, 9 to 5 Colorado, 9 to 5 Poverty Network Initiative (Wisconsin), 9 to 5 National Association of Working Women, AFL–CIO Department of Civil, Human and Women's Rights, American Association of University Women, Atlanta 9 to 5, Break the Cycle, Coalition of Labor Union Women, Colorado Coalition Against Sexual Assault (CCASA), Communications Workers of America AFL–CIO, Democrats.com, Equal Rights Advocates, Feminist Majority, Gender Public Advocacy Coalition, Gender Watchers, Hadassah the Women's Zionist Organization of America, Legal Momentum, Lost Angeles 9 to 5, NA'AMAT USA, National Abortion Federation, National Asian Pacific American Women's Forum, National Association of Social Workers, National Center for Lesbian Rights, National Congress of Black Women, National Council of Jewish Women, National Council of Women's Organizations, National Organization for Women, National Partnership for Women and Families, National Women's Conference, National Women's Committee, National Women's Law Center, Northwest Women's Law Center, Sargent Shriver National Center on Poverty Law, The Women's Institute for Freedom of the Press, Washington Teachers Union, Women Employed, Women's Law Center of Maryland, Women's Research and Education Institute, YWCA USA.

Mr. KENNEDY. I will mention a few. They include the Anti-Defamation League, Human Rights Campaign, Leadership Conference on Civil Rights, National Association for the Advancement of Colored People. Why? Because, as we know, hate crimes are increasing. They are not diminishing in the United States of America. They are increasing. All the statistics demonstrate it.

What is also demonstrable is what local law officials point out by their support. They do not have the tools or the will to deal with the most vicious types of attacks that take place upon individuals because of who they are. That is why they support this rather measured proposal that we have, that will give help and assistance in attacking the problems of hatred at home like we are attacking the problems of hatred abroad.

This is not such a strange issue.

Will the Chair let me know when I have a minute left, please.

My friend, Senator HATCH, pointed out during our debate in 2000:

> Crimes of animus are more likely to promote retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest and, ultimately, they are downright un-American.

No one could say it better. He understands that is what we are talking about and whether we are going to battle that with both hands, not with one hand tied behind our back as exists at the present time. It is the local law officials who are stating that. Even the Justice Department said the same a few years ago.

Finally, on why this is such an extraordinary situation—this is what the Justice Department says.

> Local authorities may not have the tools or the will to prosecute a particular bias-motivated crime fully.

We put this aside. This, basically, is a moral issue. It is a moral issue because of the viciousness and the motivational aspects of hatred and bigotry. Our Founding Fathers, as brilliant as they were, wrote prejudice in the Constitution of the United States. They wrote slavery in the Constitution of the United States. This Nation has been battling for 230 years to free ourselves from the stains of discrimination, and we are not there yet. We suffered the brutalities of the Civil War. We went through the period of Reconstruction. We have faced those issues on the floor of the Senate: In 1964, the Civil Rights Act; the 1965 Civil Rights Act; the 1968 Civil Rights Act. We went on to knock down the walls of discrimination.

When we knocked down the walls of discrimination on the basis of race, we also, history will show—we knocked them down with regard to gender, we knocked them down with regard to ethnicity, we knocked down a lot of them in terms of disability. We have not with regard to sexual orientation. But we have made remarkable progress. No nation in the world has made that progress—no nation.

That is one of the reasons I am as proud of this Nation as I am. But it is a continuing process. If we do not understand that out there, as the various statistics of the Justice Department and the Southern Poverty Law Center say, there are these centers of hatred and bigotry that exist out there, that are hating and demonstrating and killing our citizens on the basis of those definitions.

That is continuing, and the question is whether we are going to do something about it. We are not going to solve all of the problems with legislation, but if we do not solve this one, we miss a golden opportunity.

I finally say, to those who have talked about, we are adding this on the Defense authorization bill, we have had more time in quorum calls around here. We have not taken a great deal of time. We are taking 2 hours this morning on SCHIP and hate crimes. We have not taken up a great deal of time.

The majority of the Members have supported this. On three other occasions, a majority of Republicans and Democrats have supported this concept—on three other occasions. Let's get the job done. We have that opportunity this morning.

Finally, this is about the morality of our country, the values of our country. That is directly tied into what our men and women are doing overseas in resisting terrorism and fighting for the values here at home. One of the values that is here at home is the value of honoring the dignity of the human being and the individual. That is why

all of those in the great religious faiths, the Interfaith Alliance, 75 different religions—the belief that lies at the core of our diverse faith traditions is that every human being is endowed with dignity and worth. That is why 1,400 members of the clergy have pointed out: Our faith traditions teach us to love our neighbor. While we cannot legislate love, it is our moral duty to protect one another from hatred and violence.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. This is from the religious community.

So we have on that standard above the Presiding Officer ''E pluribus unum''—''out of many, one.'' We have a responsibility, to the extent we can, to eliminate division, to eliminate the hatred, to eliminate the bigotry, and to become one Nation with one history and one destiny. This amendment moves us on that road to the kind of country this Nation deserves to be. I hope our colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 54 seconds remaining.

Mr. HATCH. Mr. President, I agree with 80 percent of what the distinguished Senator has said during this debate. The fact is, the very name of this bill makes the very point I am making. It is the ''Matthew Shepard Act,'' a heinous crime committed against him where both people were prosecuted and sentenced to life; in the Byrd case, sentenced to death. We are taking care of these problems. There has been no showing by the other side that the State prosecutors are incapable of doing so. The fact is, we do not need a massive Federal piece of legislation that would require the Federal Government to get into areas that clearly are not in interstate commerce but are subject to State laws that are being enforced. That is a very important point. We should be very loath to go beyond that point.

I thank my very loquacious colleague who feels very deeply, but I feel deeply, too, about the issue, about these people, about what is happening, and what I am saying constitutionally.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. REID. Mr. President, I would refer my colleagues to my statement in yesterday's RECORD on the hate crime legislation.

CHIP

Mr. President, just like any job in America, Senators have good days and bad days. We all know what it is like to leave work frustrated that we did not make the right decision, that the progress we have made was not what we had hoped, that we did not express our views in quite the right way or we just did not have enough time to get everything done. But we also know, here in the Senate, how the opposite feels: days when we put our political differences aside, rise above partisanship, and do something lasting and meaningful for our country.

Earlier this year, when the Senate passed its version of the Children's Health Insurance Program, it was a day just like that. It was a day of happiness. And today can be another day just like that. As a result of the hard work of Chairman BAUCUS, Senators ROCKEFELLER, GRASSLEY, and HATCH, we have before us legislation that I am confident will enjoy overwhelming bipartisan support, which we will vote on shortly.

Hopefully, the strong bipartisanship message this body sends today will be loud enough and strong enough that the President will reconsider his stubborn opposition to this legislation. Senators GRASSLEY and HATCH are very supportive of the President. No one needs to lecture anyone on that. But they have said the President's stand on children's health is wrong and that he should join with us. And they are right. For all the talk we hear about what Government does wrong, the Children's Health Insurance Program is a shining example of what Government does right.

Before children's health became law 10 years ago, millions of children were totally uninsured. These children were part of a coverage gap. Their parents' incomes were not high enough to afford private insurance, nor low enough to qualify for Medicaid. Now, a decade later, this program has reduced the number of uninsured children in working families by 35 percent. Today, 6.6 million children have insurance thanks to this exemplary program. Many of these children are now getting regular checkups. They are benefiting from preventative medicine. They are saving money for society, and their primary care comes from a doctor, a family doctor, not from an expensive, inefficient emergency room. Examples of this success can be found in every single State, in urban areas, rural areas, east coast, west coast, south, north, everywhere in between.

When we voted on this bill originally, I gave an example. I told the story of a Reno woman named Terry Rasner. Since 1998, Terry has helped children in Nevada enroll in Nevada Check Up, which is Nevada's children's health insurance program. Her work has never been more important. The latest numbers just released show that 430,000 Nevadans have no insurance; they are uninsured. Nevada is a sparsely populated State, but these numbers are overwhelming—430,000 people have no health insurance. And 115,000 of the uninsured are kids, children.

Terry explained to me, in an e-mail she sent me, how the program is operating in Nevada. She wrote:

> There are many stories of children as old as 11 and 12 who were finally able to visit a dentist for the first time in their lives.
>
> Stories of families who finally felt whole because they could access affordable medical and dental care for their children.
>
> School nurses who were acutely involved in supporting and promoting this program from the outset because they were on the front lines of failed programs, or no programs at all, to address the medical and dental needs of children of low-income working families.
>
> One child in particular was so bad off he was unable to eat or chew food due to the dramatic decay in his mouth. Imagine, children for the first time in their lives actually getting to see a doctor or dentist that their parents were able to afford.

Stories like this, examples of the children's health program saving lives—these same stories are being told all across America, and statistics bear this out.

This program is even better than ever because we have extended dental care for these children. Study after study shows that our youth enrolled in the Children's Health Insurance Program are much more likely to have regular doctor and dental care. They report lower rates by far of unmet needs for care. The quality of care they receive is far better than it was before. That is an understatement. School performance improves. The plan is helping to close the disparity in care for minority children. And the Children's Health Insurance Program has become a major source of care for rural children. So there is no doubt, no question at all that the Children's Health Insurance Program is good for kids, little people who cannot help themselves, it is good for families, also, and it is good for America for sure.

Today, we have the opportunity to take the next step toward making the great American success story even more of a success. The bill before us maintains coverage for the 6.6 million children currently enrolled and adds an additional 4 million low-income, uninsured children. It also improves the program by curbing coverage of adults in the program and targeting the lowest income eligible families as new enrollees. It does all of this in a fiscally responsible manner.

This legislation is fully paid for. It does not add one penny to our Nation's debt or add to the deficit.

It is not surprising that this bill was supported by 45 Republicans in the House and virtually every Democrat in the House. Chairman GRASSLEY, Senator HATCH, and more than a dozen other Republican Senators voted for this bill the first time around, and every single Democrat in the Senate.

I might just add, as an aside, Senator HATCH has never been known as a big spender, and he supported this bill overwhelmingly. We could not be where we are but for him and Senator GRASSLEY.

But not only do a significant number of Republican Senators support this legislation, but Governors support it, our health care providers support it, children's advocates and the vast majority of Americans are cheerleaders for this worthy legislation. The Senate

will shortly do its part and pass this children's health insurance legislation.

But despite all of this, all of the bipartisan support, all of the goodwill this bill enjoys, surprisingly, stunningly, President Bush continues to insist he will stop this bill from becoming law. This is the same President Bush who, during the 2004 campaign, touted his plan to expand the SCHIP program.

Quoting from the President, in a release he made:

> The President will launch an aggressive, billion-dollar effort to enroll children who are eligible but not signed up for the government's health insurance program. The goal will be to cover millions more SCHIP and Medicaid-eligible children within the next 2 years.

That is what he said in 2004. Now President Bush offers us a list of reasons for opposing legislation that would do what he said he strongly supports.

One of the reasons he gives us is we cannot afford it. Let me repeat what I said before: This bill is paid for and will not increase the deficit a single cent.

Second, let's look at the things the President thinks we can afford. In about a month in Iraq, the President will spend $12 billion. This would far exceed what we would spend on these children. But, remember, we are spending for what is fully paid for. It comes from a tobacco tax.

So clearly it is not about having money; it is not about any of the reasons he has given. Despite his list of unknown reasons, it has become clear in recent days that there is only one reason I can come up with for his reversal, his flip-flop on the Children's Health Insurance Program: I guess it is because he wants to do something with health care that he has not yet told us.

He has in the past calculated that holding this bill hostage is the only way to raise from the dead his partisan, unpopular, and ineffective health agenda. We realize this. Republicans realize this. In fact, the ranking member of the Finance Committee realizes this, and he has spoken so on the floor, Senator GRASSLEY.

President Bush, on this issue, stands alone. Can one imagine our President, President Bush, going to one of these children and saying: You cannot have health care. You have to stop seeing your doctor. If you get sick, your parents or a brother or sister will have to take you to the emergency room. Get a brother or sister, get a neighbor to do that, but we are not going to let you go see a doctor.

So despite his promises, I hope he will come to his good side and put the well-being of millions of poor children ahead of his own flawed political agenda that we are seeing on this issue today. I hope he realizes this program is government at its best—lending a helping hand, providing a safety net to children who need our help to reach their full potential.

If we pass today the Children's Health Insurance Program with a good bipartisan vote, this can be one of our good days, our legislative good days, when we do something lasting and meaningful for the American people who sent us here to help fulfill their dreams and their hopes.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments with my leader time and say to my good friend the majority leader, I know it is customary for him to speak last, but I was unavoidably detained from getting to the floor and wanted to make a couple of observations about the Kennedy amendment on my leader time.

A vote for Senator KENNEDY's hate crime amendment regretfully puts this whole bill in jeopardy. The only way to ensure we have a Defense authorization bill this year is to vote against the Kennedy amendment. There are too many important Defense provisions in the bill that are at risk because of a controversial, nongermane amendment dealing with social policy.

Among the items at risk, the Wounded Warriors provision, the pay raise, acquisition reform, and many other important Defense provisions, all are put at risk by the adoption of the Kennedy amendment.

We have now gone through a long exercise debating Iraq amendments and nongermane amendments related to the social agenda of the other side. But what are we trying to accomplish here? Do we want to protect the defense policy matters in this bill that actually matter to our forces in the field, or do we want to debate political and social issues on this measure? The Senate has been on record all year that we will not cut off funding for our troops in the field and that we need to do more to help our wounded warriors returning from the war. Let us not sacrifice the bipartisan work of the committee for an amendment that is not relevant to the underlying bill.

I hope the Kennedy amendment will be defeated.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3035 regarding hate crimes.
>
> Gordon H. Smith, Chuck Schumer, Bernard Sanders, Robert Menendez, Sheldon Whitehouse, Frank R. Lautenberg, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Barack Obama, Jeff Bingaman, Ben Cardin, Evan Bayh, Tom Harkin, Ted Kennedy, Dianne Feinstein.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3035 offered by the Senator from Massachusetts, Mr. KENNEDY, to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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 yeas and nays resulted—yeas 60, nays 39, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—60

Akaka	Feinstein	Nelson (FL)
Baucus	Gregg	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Specter
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden

NAYS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order—the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I could have the attention of the leadership, we would be glad to have a voice vote, if that is acceptable, satisfactory. We would vitiate the need for the yeas and nays and move to a voice vote, if that is satisfactory.

Mr. MCCONNELL. Mr. President, I was distracted.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Was the Senator from Massachusetts trying to get my attention?

Mr. KENNEDY. As a result of this vote, we would be glad to vitiate the need for the yeas and nays on this amendment and have a voice vote, if that is acceptable.

Mr. MCCONNELL. As far as I know, a voice vote is acceptable. We will vote on the Hatch alternative.

Mr. KENNEDY. Then, Mr. President, if I could just have everyone's attention for a minute, we are prepared to accept the Hatch amendment, if that is satisfactory.

Mr. MCCONNELL. We will need a rollcall vote on the Hatch amendment.

Mr. KENNEDY. Then, Mr. President, I would like to see if we could have a voice vote now on the underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to the Kennedy amendment.

The majority leader is recognized.

Mr. REID. Mr. President, it would seem to me what we should do is have a vote on the underlying Hatch amendment. I do not think we need to vote on cloture. So I ask unanimous consent that we have a voice vote on the amendment that is now before the body, we vitiate the cloture motion on the Hatch amendment, and have a rollcall vote on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Kennedy amendment.

The amendment (No. 3035) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3047

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Hatch amendment prior to a vote on the amendment.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are willing to accept the Hatch amendment. It requires a study and requires some authorization for helping local communities. I would hope the amendment would be unanimously accepted. I intend to vote for it, and I would hope all the Members would vote for it. I understand we are going to order the yeas and nays now. I hope we will vote in favor of the Hatch amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, with that fine concession, I yield back the remainder of my time.

Mr. KENNEDY. 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 question is on agreeing to amendment No. 3047.

The clerk will call the roll.

The legislative clerk called the roll.

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 96, nays 3, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—96

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Barrasso	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Grassley	Obama
Bond	Gregg	Pryor
Boxer	Hagel	Reed
Brown	Harkin	Reid
Brownback	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burr	Inhofe	Salazar
Byrd	Inouye	Sanders
Cantwell	Isakson	Schumer
Cardin	Johnson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dodd	Martinez	Wyden

NAYS—3

Coburn	Graham	Vitter

NOT VOTING—1

McCain

The amendment (No. 3047) was agreed to.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

Pending:

Reid motion to concur in the amendments of the House to the amendments of the Senate to the bill.

Reid Amendment No. 3071 (to the House amendment to Senate amendment to the text of H.R. 976), to change the enactment date.

Reid Amendment No. 3072 (to Amendment No. 3071), of a perfecting nature.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. Each side has 1 minute of debate on the children's health insurance amendment.

Mr. REID. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. We yield back the remainder of our time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 976, SCHIP.

Max Baucus, Ted Kennedy, Jeff Bingaman, Patty Murray, Barbara Boxer, Tom Carper, Patrick J. Leahy, Charles Schumer, Maria Cantwell, Dick Durbin, Blanche L. Lincoln, Robert P. Casey, Jr., Debbie Stabenow, Jack Reed, B.A. Mikulski, Tom Harkin, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion of the Senator from Nevada, Mr. REID, to concur in the House amendment to H.R. 976, the Children's Health Insurance Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—69

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Hutchison	Reed
Bond	Inouye	Reid
Boxer	Johnson	Roberts
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Corker	Lugar	Tester
Dodd	McCaskill	Warner
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden

NAYS—30

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

UNANIMOUS CONSENT REQUEST

Mr. ENSIGN. Mr. President, I ask unanimous consent to be recognized for 5 minutes to make a quick statement, and then I will make a unanimous consent request, to which there will be an objection on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, let me make it clear. I support the electronic filing by Senators in the underlying bill that Senator FEINSTEIN brought forward. There is an issue I want to raise on an amendment I wish to add to the bill.

We have a problem going on in the Senate where there are anonymous outside groups who are filing ethics complaints, and they are doing it for purely political reasons. As often is the case, this can be fixed with transparency.

If someone files an ethics complaint against a Senator from the outside, then they would have to disclose their donors under my amendment. Right now in the Senate, there is no such requirement for filing a complaint. The complaints do not have to be sworn, signed, or even identified, and they can be submitted by a person or an unnamed group no one will ever know.

The complaints do not have to be submitted in a formal manner. They can be on a beverage napkin or written in crayon. However, this is not the case in the other Chamber. In the House of Representatives, they have very formal, rigorous requirements to file complaints. The complaints must be sworn to and filed by a Member of Congress. With no requirements in the Senate, the result is that people create shell organizations in order to register purely political complaints.

Some say my amendment will prevent people from filing complaints. This is simply not true. My amendment will make the complaint process transparent and similar to the FEC process. Has there ever been a shortage of complaints at the FEC?

If these complaints are being filed purely for political reasons, then we will find that out because we can see who the donors are. We need to protect this institution. We need to protect individual Senators from purely politically motivated ethics complaints that come against us.

If it is done purely for partisan reasons, we need to know that, and transparency is, once again, the best way to find that out. All I am asking is for an up-or-down vote so the Senate can decide if it wants transparency. It has been said that this bill is unrelated to the electronic filing bill. I disagree. They are both about transparency. They are both about the political process. We need to have this amendment agreed to.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to Calendar No. 96, S. 223, under the following limitations: that the committee-reported amendment be agreed to, and that the only other amendment in order be an Ensign amendment related to transparency and disclosure, with 20 minutes of debate equally divided in the usual form on the bill and the amendment to run concurrently, and that following the use or yielding back of time, that the Senate proceed to vote in relation to the Ensign amendment, and that the bill, as amended, be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection?

Mr. BAUCUS. I object.

Mr. ENSIGN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. The regular order is the motion to concur with the House amendments to the Senate amendments on SCHIP.

Mr. BAUCUS. Madam President, we are awaiting the arrival of the Senator from Kentucky. I do not see him yet so I will begin.

Nearly every American schoolchild knows the story told in Parson Weems' 1800 biography ''The Life of Washington.'' That is our first President. According to Weems, young George used his new hatchet to chop down his father's cherry tree. His father asked George what happened. George was tempted to make up a story, but then in Weems' famous account, young George ''bravely cried out, 'I cannot tell a lie. I did cut it with my hatchet.'''

I wish all public servants kept the same standard of truthfulness, especially in this debate. Regrettably, many of today's public servants appear all too tempted to make up a story. Many are failing to tell the truth about the Children's Health Insurance Program.

Let me set the record straight.

President Bush has said that our bill ''would result in taking a program meant to help poor children and turning it into one that covers children in households with incomes of up to $83,000 a year.'' That is what our President said. That is not true. There is nothing in the Children's Health Insurance Program bill that would change current law and allow States to cover children in families making $83,000 a year. There is nothing in the current bill that would let that happen. Nothing in current law; nothing.

On income eligibility levels, the bill maintains current law. It doesn't change current law, it maintains current law on income eligibility levels. Current law limits CHIP to the higher of 200 percent of poverty or 50 percent above the State's prior Medicaid levels. Any State that wants to increase eligibility for CHIP above those levels has to get approval from the Secretary of Health and Human Services. That is current law, and that is the law under the CHIP bill before us today. It is unchanged.

In fact, our bill actually includes new policies to discourage States from increasing eligibility for kids above 300 percent of poverty. Under our bill, States that increase eligibility above 300 percent—again, they have to get approval from HHS to get a waiver—under our bill, those States that increase eligibility, if they get a waiver granted by the Bush administration or not, would get the lower Medicaid Federal match payment for higher income children. Our bill would decrease the incentive to cover higher income children relative to current law. It decreases incentives relative to current law.

Our bill also includes new policies requiring any States covering children above 300 percent to meet a target enrollment level for covering their lowest income children below 200 percent of poverty. That is new. States that don't meet the target by 2010 risk losing all Federal reimbursement for their higher income children. So our bill has an even greater focus on low-income kids compared with current law.

Our bill will benefit low-income children. The Urban Institute found that 70 to 80 percent of children helped by our bill are low-income children with family incomes below 200 percent of poverty. Our bill is targeted to help exactly the low-income children for which we created the CHIP program in the first place. Our bill continues that mission for the next 5 years.

The administration has also said our bill would move too many children from private insurance into CHIP. Once again, that is not true. According to Congressional Budget Office Director Peter Orszag—he is the top person in the independent Congressional Budget Office. His job is to independently assess what we do. There is no partisanship at all. He said there is always some ''crowdout'' or substitution of public coverage for private coverage whenever we create a new Government subsidy to help people. It always happens to some degree.

A few years ago—this is important for everybody to remember, especially the President—when we considered the Medicare prescription drug bill, the so-called MMA, CBO then said about two-thirds of those getting the new Government help would already have private coverage. Two-thirds already had private coverage. I don't remember the administration complaining about the crowdout then, complaining about people who might leave private coverage to go to Medicare Part D.

When we enacted the CHIP program 10 years ago, the Congressional Budget Office projected there would be about a 40-percent crowdout rate, not two-thirds as the case in the Medicare Part D but about 40 percent. What happened? Our bill has a lower crowdout. It is about 40 percent lower than CBO projected would happen in the program 10 years ago.

In fact, CBO Director Orszag said this year's Senate bill, which is very similar to the final bill we are considering, was ''pretty much as efficient as you can possibly get for new dollar spent to get a reduction of roughly 4 million uninsured children.''

We went to CBO and said we want to reduce the so-called crowdout as much as we can; how do we do it. We talked back and forth. And his assessment is the final bill is ''pretty much as efficient as you can possibly get,'' lower than any other major crowdout results.

The President also said he has a better plan to help uninsured children. If he does, he is keeping it under wraps.

The President talked about both his plan to reauthorize CHIP and his plan to promote private coverage through tax credits. But independent analyses of both plans suggest that under them, American children would fare far worse.

For the Children's Health Insurance Program, the President is proposing a $5 billion increase in Federal funds over the next 5 years. That is his proposal. The President says that will be enough. The Congressional Budget Office disagrees. The analysis of the Congressional Budget Office, again, an independent analysis of the President's plans, indicates it would not even maintain coverage for children currently enrolled in CHIP today. it would not even maintain it. In fact, CBO projects that under the President's plan, 1.4 million children would actually lose coverage.

The President's tax credit plan does not do much better. The Congressional Budget Office has estimated only about 500,000 children will gain new coverage under that plan. If we take CBO's estimates for these plans together, over 5 years, there would still be a net loss coverage for a million children—a net loss coverage for a million children compared with current law.

Causing a million children to lose health insurance is not a better plan to help uninsured children—not in my book, and I don't think it is in anybody else's book either.

I am not the only one who thinks what the administration is saying is essentially not true—in fact, not at all true. Go to the Annenberg Political Fact Check, a nonprofit media accuracy organization funded by the Annenberg Political Fund. Go to their Web site: www.factcheck.org.

At the end of the day, our current President named George has a simple choice. He can bring health coverage to 3.8 million low-income uninsured children who have no insurance today or he can cut it with his hatchet, cutting coverage for at least a million children who would otherwise get the doctor visits and medicines they need through CHIP.

The right choice is to stand bravely with America's children.

I urge my colleagues to join me in making the right choice. Support the CHIP program. Call on the President to sign this important legislation.

Support the CHIP bill because the truth is our bill focuses benefits on low-income children. It is that simple. That is what the bill is, no more. The truth is, in terms of preserving private coverage, our bill is ''pretty much as efficient as you can possibly get.'' And the truth is, the administration does not have a credible alternative.

I urge my colleagues to join me in making the right choice because in the end, this bill is about helping those who can least afford health insurance now. This bill is about helping Americas parents who truly want the best for their children. And as much as some may be tempted to make up a story to say it is about something else, the truth is, this bill is about kids.

I yield to the Senator from Kansas.

Mr. ROBERTS. I asked for 20 minutes. I thought the leader was going to come down and propose a unanimous consent request to lock in time. He agreed to provide me 20 minutes.

Mr. BAUCUS. There is no time limit. We have 6 hours allocated generally to this bill. The Senator can seek recognition.

Mr. ROBERTS. Madam President, I ask to be recognized for 20 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I rise today to express my support for the SCHIP compromise bill. I believe this agreement represents a good balance and continues the historic bipartisan support for this program.

On Tuesday, the House passed this bill with wide bipartisan support, and I expect the Senate to do the same. I also rise today, Madam President, to ask and to strongly recommend that the administration rethink the threat to veto this important legislation. Simply put, this bill should not be vetoed.

Here in Washington, we often talk about the programs that directly affect our constituents back home. The State Children's Health Insurance Program, or SCHIP is the acronym, is truly one of those programs. SCHIP has long enjoyed bipartisan support, and I am glad we have come to a strong bipartisan agreement on a program that is critical for our low-income children.

In Kansas, our SCHIP is called HealthWave, and it supports over 35,000 Kansas children. It is a critical tool for our hard-working families who would otherwise struggle to provide health care for their children. Renewing this program has been a top priority of mine for the 110th Congress. While our Kansas HealthWave Program has made great strides in providing health care to low-income children, unfortunately we still have 50,000 uninsured children in Kansas—50,000. There are 35,000 now covered by the program but 50,000 who are not covered.

Many of these children are currently eligible for SCHIP but are not enrolled because of the lack of resources in the program. We can clearly do better. The bill before us would provide the necessary resources to Kansas and other States in order to reach these low-income children and finally provide them with the health care coverage they need.

Unfortunately, instead of talking about achieving rare bipartisan progress for these hard-working families and their children, this bill and this debate has turned into a political showdown. And, unfortunately, low-income children will be the ones to ultimately pay the price.

I am very disappointed that before the administration even received the final language their minds were apparently made up, and a line was drawn in the sand opposing this compromise. Again, this was even before the final language was in their hands. And, to my knowledge, there has been little, if any, willingness to come to the negotiating table to find the solution. I think this is unfortunate, and I think this is irresponsible.

The administration is now threatening to veto this bill because of ''excessive spending'' and their belief this bill is a step toward federalization of health care. Now, I agree with those concerns. I agree with those concerns. I am not for excessive spending, and I strongly oppose the federalization of health care. And if the administration's concerns with this bill were accurate, I would support a veto. But, bluntly put, they are not.

I do not believe the bill we are debating represents irresponsible spending. Instead, this bill provides necessary funding to States to cover children who should already be covered under the program. And I know there are some who believe this bill is too expensive, but there are also others who believe this bill doesn't go far enough. Many of my friends on the other side of the aisle wanted a $50 billion to $75 billion expansion of SCHIP. Many in my caucus would have preferred a $5 billion increase. As a result, we had to try to find middle ground, and we did just that. What we are debating today is something that is often hard to come

by these days in Washington. It is called a bipartisan, bicameral compromise.

Now, the agreement provides $35 billion in new funding for SCHIP and targets the program back to its original focus—low-income children. Let me repeat that. This bill targets the program back to its original focus—low-income children. We should all understand that despite the partisan bickering and the rhetoric that has poisoned the Halls of both the House and Senate, bipartisanship and compromise are absolutely necessary to achieve—to achieve—good policy. And I know President Bush understands this. In fact, the administration has been successful in working with my friends on the other side of the aisle on many issues during these two terms to achieve good legislation. One good example is the historic tax relief we were able to achieve. Obviously, that final compromise required give and take from both sides of the aisle, and this tax relief is now putting money back into the pocketbooks of our constituents back home.

I was a conferee on the No Child Left Behind legislation and know how closely the administration and Senator KENNEDY and Congressman MILLER and others had to work to find any common ground. That bill was certainly a great testament to bipartisanship, and we are trying to fix some of the problems in that bill on a bipartisan basis.

The SCHIP bill is yet another example of hard work to come together and find common ground. Of course, I am not pleased with everything in the bill, and I know my colleagues on both sides of the aisle feel the same. However, this bill represents a good bipartisan compromise, with the ultimate goal of providing health care coverage to low-income children. The alternative that is proposed by the administration is threatening a veto and insisting upon a larger health care reform debate.

I appreciate the administration's passion and persistence on having a broader health care debate. However, holding a children's health insurance bill hostage is not the right way to achieve this goal. I support the goals of reforming the Tax Code to promote the purchase of private health insurance. Let me repeat that, Madam President. I support the goals of reforming the Tax Code to promote the purchase of private health insurance. But I have yet to see a plan from the administration that can actually pass the Congress.

In fact, I have yet to see an actual plan from the administration. I have yet to see bullet points from the administration. I have yet to see any plan that can be articulated in some fashion to sell to the American public or to the Members of this body. We don't even have an acronym for this plan. My word, you can't do anything around here without an acronym.

The administration has also raised concerns that this bill is a march toward the federalization of health care. I would argue that is simply not true. I would never support a bill to federalize health care. I remember that battle a decade ago. There is no way I want to go down that road again.

I think it is important to point out what I think is a paradox of enormous irony in regard to the claim that this bill is a step toward the federalization of health care. In reality, this administration has approved waivers—approved waivers—to cover adults under a children's health care insurance program. Let me repeat that. Under this administration's watch, we now have 14 States covering adults under the Children's Health Insurance Program.

Now, this administration and others expressed grave concern that SCHIP is the next step to universal health care. Yet this very same administration is approving waivers to cover adults under a children's health program. And, unfortunately, a number of these States are covering more adults through their SCHIP program than they do children, even while high rates of uninsured children still remain. This is not fair. This is not right. It is wrong.

I don't mean to pick on other States, but let's take a look at a few examples. New Jersey now covers individuals up to 350 percent of the Federal poverty level and spends over 40 percent of its SCHIP funds on adults. This is even while over 100,000 low-income children in the State remain uninsured. This isn't right.

Earlier this year, Congress had to pass a stopgap funding measure to plug 14 State SCHIP shortfalls. Of the 14 States that got this emergency funding, five—five—cover adults. One of these States was Illinois, which spends over 50 percent of its SCHIP funds on adults. Wisconsin covers more adults than children under SCHIP—75 percent to be exact. And the administration just approved an extension of their waiver to cover adults. Minnesota covers more adults on their SCHIP program than they do children. The same is true for Michigan, and the same is true for Arizona.

Now, I am not trying to pick on these States. I can go on and on because, again, there are currently 14 that cover adults on a program that was meant for children. And how are these States able to cover adults under the Children's Health Insurance Program? Again, through waivers approved by this administration. This is certainly not fair to States such as Kansas that have been playing by the rules and targeting our programs to low-income children. I am beginning to wonder if we have the wrong name for the State Children's Health Insurance Program. I don't think it was intended to be the adult health care insurance program.

The greatest paradox of enormous irony, however, is that this bill actually stops the waivers this administration has been so generously granting to States to cover adults by not allowing more adult waivers to be approved. Let me say that again. The greatest paradox of enormous irony is that this bill actually stops the waivers this administration has been so generously granting the States to cover adults by not allowing more adult waivers to be approved. This means future administrations that may want to use SCHIP as a means to expand government health care to adults will be prevented by law from doing so. As a result, this bill ensures that the Children's Health Insurance Program remains just that—a program for low-income children.

This bill also phases out childless adults currently being covered with SCHIP funds and lowers the Federal matching rate for States that currently have waivers to cover parents and now must meet certain benchmarks in covering low-income children. As a result, this bill brings excessive spending on adult populations in check.

The Congressional Budget Office has estimated that spending on adults would be over $1 billion higher under current law over the next 5 years than it would be under this compromise. This bill is more fiscally responsible than the administration's approach or an extension of this program by $1 billion.

Most importantly, this bill ensures that we are putting kids first and returns the program to its original purpose—providing health care coverage to low-income children.

Now, on the income eligibility front, the administration unfortunately is claiming this bill does things that the bill simply does not do. It is sort of an ''SCHIP In Wonderland.'' For example, the President claimed in a speech last week that this bill expands SCHIP coverage to families making over $80,000 a year.

I just have to ask the speech writer for the President, are you reading the same bill I am reading? Are you reading the same bill that we are discussing on the floor of the Senate? You can twist the facts, but facts are stubborn things, Madam President.

In fact, this bill reduces the matching payment incentives that States have had for so long to cover individuals at higher income levels. In addition, by the year 2010, this bill—this bill—denies Federal matching payments to States that cover children above 300 percent of the poverty level if the State cannot meet a certain target in covering low-income children in either public or private insurance plans. And let me emphasize private insurance plans.

I think it is important to remind the administration that a State can only cover children above 200 percent of the poverty level if the administration approves the State's application or waiver. I repeat: A State can only cover children above 200 percent of the poverty level if the administration or any administration approves that State's application or waiver. This is current law and this bill does not change that.

More importantly, this bill actually provides incentives and bonus payments for States to cover children under 200 percent of the poverty level in order to truly put the focus of this program back on low-income children.

The bill also addresses the importance of including the private market in the SCHIP program. Let me repeat that for all those who want a private approach in regard to private markets, in regard to insurance: The bill addresses the importance of including the private market in the SCHIP program. In fact, the American Health Insurance Plans, also known as AHIP—that is their acronym—on Monday announced their support for this compromise bill. AHIP is the national trade organization which represents over 1,300 private health insurance companies.

The compromise makes it easier for States to provide premium assistance for children to get health care coverage through the private market—that is the goal of the administration and that should be our goal as well—rather than relying on SCHIP. That is in this bill. This is an important choice for families who would prefer a private choice in health care.

This bill also requires the GAO and the Institute of Medicine to produce analyses in the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices for States in addressing the issue of something called ''crowdout.'' That means children switching from private health insurance to SCHIP. So we have a study to determine exactly how we fix that.

In the ultimate paradox of enormous irony, it seems the administration is threatening to veto a bill which does exactly what they want us to do in focusing SCHIP on low-income children and making sure the program does not become the vehicle for universal health care.

This bill gets adults off the program. It targets it to low-income children. It ensures appropriate steps are taken to discourage crowdout and it encourages private market participation.

I am proud to support this important bill, and I hope those who have concerns can instead focus on the positive benefits this bill will bring our low-income children and their hard-working families. I especially thank our chairman, Chairman BAUCUS, Ranking Member GRASSLEY, Senator HATCH, all of our House colleagues for their tireless work on getting this bill together.

At the start of these negotiations I made a commitment to work with my colleagues to find a bipartisan solution to renew this important program. I am holding to that commitment today and am pleased to support this bill.

I also state to the administration I will lend my support to override the President's veto if he chooses to wield his veto pen. However, I hope—I hope—I hope the President heeds our advice and makes the right decision for our children by signing this bill into law.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I ask unanimous consent that following the cloture vote on the motion to concur in the House amendments to the Senate amendments to H.R. 976, there be 6 hours 10 minutes for debate with respect to that motion and that the time so far consumed, frankly, be taken out of that total time; the time divided and controlled as follows: 2 hours under the control of Senator BAUCUS or his designee, and 4 hours 10 minutes under the control of Senator GRASSLEY or his designee; that upon the use or yielding back of time, the matter be temporarily set aside and the Senate then proceed to the consideration of H.J. Res. 43, the debt limit increase; that be 90 minutes of debate equally divided and controlled between the leaders or their designees, with no amendment in order; and upon the use or yielding back of time, the joint resolution be read a third time and set aside; and that the Senate then resume the message on H.R. 976; that the motion to concur with amendments be withdrawn, and without further intervening action or debate, the Senate proceed to vote on the motion to concur; that upon disposition of H.R. 976, the Senate resume H.J. Res. 43 and vote on passage of the joint resolution, without intervening action; and that upon the conclusion of that vote, the motion to reconsider be considered made and laid upon the table, and the Senate then proceed to H.J. Res. 52, the continuing resolution; that no amendments be in order, the joint resolution be read a third time, and the Senate, without intervening action or debate, proceed to vote on passage of the joint resolution; that upon passage, the motion to reconsider be considered made and laid upon the table; that after the first vote in this sequence, the vote time be limited to 10 minutes.

I also ask consent that the ''without intervening action or debate'' be stricken.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I am not going to object, I wish further to lock in the time to each Senator on my side within the Republican time designated in the consent agreement the distinguished chairman of the Finance Committee has just propounded, as follows: Senator DEMINT, 10 minutes; Senator BUNNING, 15 minutes; Senator LOTT, 10 minutes; Senator GRASSLEY, 45 minutes—it is my understanding the Roberts time under the consent agreement would already be counted. I will leave that out—Senator HATCH, 30 minutes; Senator VITTER, 10 minutes; Senator COBURN, 15 minutes; Senator CORKER, 10 minutes; Senator SMITH, 10 minutes; Senator SNOWE, 15 minutes; Senator MURKOWSKI, 15 minutes; Senator BURR, 10 minutes; Senator THUNE, 10; and Senator CORNYN, 10.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. BAUCUS. I ask the distinguished Senator from Kentucky, I assume that is all within the time allocated.

Mr. MCCONNELL. I confidently assure my friend that is my desire and I think I expressed that to the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. MCCONNELL. Madam President, I am going to proceed in my leader time to speak on the SCHIP bill.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Madam President, 10 years ago a Republican Congress created a program that had a worthy and straightforward goal: health insurance for kids whose parents made too little to afford private coverage but too much to qualify for Government help. Millions of children were caught between rich and poor, we wanted to help, and thanks to the State Children's Health Insurance Program, we did.

The program has been a success. Since SCHIP's creation, the uninsured rate for children in families earning between about $20,000 and $40,000 a year has dropped by 25 percent. Last year it covered more than 6½ million kids. Today the number of uninsured children within the income group we originally targeted is down to about one million nationwide.

Republicans were ready to finish the good work we started with SCHIP, and we approached its reauthorization this year as an opportunity to do just that, to reach out to the kids in our original target area who should be covered by SCHIP but weren't.

Meanwhile, our friends on the other side had another idea: following the lead of a number of State Governors, they decided to expand SCHIP beyond its original mandate and bring us down the path of Government-run healthcare for everyone.

These Governors started with adults and children from middle and upper middle-income families. Taking SCHIP funds that were originally meant for children from poor families, they spent it on these other populations instead. Then they turned around and said they didn't have enough money to cover the poor children in their States. Which is absurd. This is a capped entitlement. The dollar amount is fixed. If you are spending it on adults, you have already decided not to spend it on the children who need it most. And that is wrong.

New Jersey, under the leadership of one of our former Senate colleagues, helped lead the way. Rejecting a rule that limits SCHIP funds to the poor children, New Jersey now uses SCHIP for adults, and for children in families that earn as much as $72,275 a year.

For millions of hard-working Americans who have to pay for their insurance, it doesn't seem right that they should have to subsidize the families in New Jersey who can and should be paying for their own. And a lot of poor

families in New Jersey are also right to wonder why Trenton is suddenly enrolling middle-class families for SCHIP when their kids still lack coverage—about 120,000 of them by one count.

This is the kind of SCHIP expansion that Democrats want in all 50 States. They want to continue to expand it, pulling more and more middle-income children and adults off the private market and onto public coverage, driving private insurance costs up, driving the overall quality of health care down.

Not every State is abusing the rules. Kentucky runs its version of SCHIP, KCHIP, in a financially responsible way. We even have money left over from years past. But under the Democrats' reauthorization plan, Washington would take those extra funds and send them to States like New York and New Jersey that spend more than they get. As a result, even the expanded SCHIP program would leave Kentuckians with less SCHIP funding in the coming fiscal year.

Kentuckians don't want the money they have targeted for poor children going to adults and middle-class families in other states that can afford insurance on its own. KCHIP's money goes where it should be going: to low-income kids who need it most.

Right now, KCHIP serves about 50,000 kids in Kentucky, but there are a lot more who could be covered and aren't. We need to focus on them before expanding SCHIP program to new populations. And the Republican proposal I cosponsored with the other Republican leaders would do just that.

Until this year, SCHIP had been a bipartisan program and a bipartisan success. But in yet another sign that no good deed goes unpoliticized by Democrats in the 110th Congress, our Democratic friends accuse Republicans who want to reauthorize SCHIP of shortchanging it, of shortchanging children. Which is also absurd. We want to improve the program we have got, not expand it into areas it was never meant to go.

Of course some of the news organizations are running with the story. They seem to have forgotten that basic rule of politics that anytime somebody accuses you of opposing children they've either run out of arguments or they are trying to distract you from what they are really up to. And what our friends on the others side are up to is clear: they have taken SCHIP hostage, and what they want in exchange is Republican support for Government-run healthcare courtesy of Washington.

They tried that about 15 years ago, the American people loudly rejected it when they realized it would nationalize about a seventh of the economy, and they don't like Government health care any better now.

The first priority for Senate Republicans is reauthorizing SCHIP for the kids who need it. And we have demonstrated that commitment. Early last month, the Republican leadership proposed the Kids First Act, which allocates new funds for outreach and enrollment so SCHIP can reach 1.3 million more children than it already does. Our bill also pays for this outreach, without gimmicks and without raising taxes.

When Democrats rejected Kids First, Republicans introduced a bill to extend the current program to cover kids at risk of losing coverage until the debate over its future is resolved. While our friends on the other side were issuing press releases and playing politics, Republicans were looking for ways to make sure SCHIP funds didn't run out.

When this bill is vetoed, no one should feign surprise. They have known since July the President would veto any proposal that shifted SCHIP's original purpose of targeting health care dollars to low-income children who need them most.

Our Democratic colleagues have no excuse for bringing us to this point. But then again, this is the game they have played all year: neglect the real business of Government in favor of the political shot. Dozens of votes on Iraq that everyone knows won't lead to a change in policy. Three hundred investigations into the executive branch. And what is the result? We have less than 100 hours left in the current fiscal year, and Democrats haven't sent a single appropriations bill to the President's desk. This ought to put the 110th Congress into the Do-Nothing Hall of Fame.

Less than 100 hours before a health insurance program for poor children expires, and Democrats are counting down the hours so they can tee up the election ads saying Republicans don't like kids. Meanwhile, they are using SCHIP as a Trojan horse to sneak Government-run health care into the States.

This isn't just a Republican hunch. According to the nonpartisan Congressional Budget Office, families that have private insurance are switching over to SCHIP in States that allow it. The junior Senator from New York has proposed a plan that would raise the eligibility rate to families of four that earn $82,600 a year—this, despite the fact that roughly nine out of ten children in these families have private health insurance already.

But of course that is not the point. The point is pursuit of a nationalized Government-run health care controlled by a Washington bureaucracy. Some Democrats have admitted what this is all about. The chairman of the Finance Committee recently put it this way: ''We're the only country in the industrialized world that does not have universal coverage,'' he said. ''I think the Children's Health Insurance Program is another step to move toward universal coverage.''

While Democrats are busy looking for ways to shift this program away from its original target, the deadline for reauthorization looms. Republicans have made this reauthorization a top priority. If Democrats want to expand Government-run health care, they should do it in the light of day, without seeking cover under a bill that was meant for poor children, and without the politics. Republicans can take the shots. But the poor kids who we were originally trying to help shouldn't be caught in the middle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a couple of points. I don't want to prolong the debate. My good friend from Kentucky made a couple points I wish to clarify.

I did say I think our country should move toward universal health coverage. I think we should. In fact, our President, President Bush, has said the same thing. He said we should have universal coverage of health care in America. I think most Americans think we should have universal coverage. What does that mean? That means everyone should have health insurance. I did not say and do not mean we should have a single-payer system like Canada. I think we should have universal coverage with an appropriate mix of public and private coverage so that every American has coverage.

So I think for the Senator from Kentucky to make a charge that we are for universal coverage, I am, as is our President. Most Americans want universal coverage. My point is, what form and what way?

I think it is important to remember one thing. What does this CHIP bill do compared to current law? The charge is that it expands eligibility, it goes to upper income kids, and so on and so forth, it is another step in Government health care. That is the charge.

That is not the fact. This bill is more restrictive than current law—more restrictive than current law. Essentially, eligibility is, under current law, determined by States and the Federal Government. States determine eligibility—that is current law—and the administration either does or does not grant a waiver. This Republican administration has granted several waivers. In fact, one was to the Republican Governor of New Jersey, Christine Todd Whitman, when a major waiver was granted. So this bill does not change current law. Basically, it provides and uses the purse to discourage States from going to higher coverage by lowering the match rate. Nothing in this bill expands eligibility—nothing. So the charge that this is increasing eligibility to people other than children is just not accurate.

Madam President, I yield the floor.

I see the Senator from West Virginia is seeking recognition.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the chairman of the Finance Committee. I am very happy that the chairman of the Finance Committee made the comments he just did because I was absolutely bowled over by the comments

which preceded him from the other side of the aisle. It is sort of basic when you say the word ''universal.'' It means everybody, but it does not necessarily mean it has to be run by the Federal Government, and anybody who makes that kind of an error is either really playing politics or really needs to go to grad school.

In any event, this program is totally optional. And there is nothing about it which—in fact, several of the previous speakers said that States could do this and States could do that, but on the other hand it was all Government run, so therefore how could the States do it on their own? It is sort of a sad argument.

Several months ago, four Senators—two Republicans and two Democrats—stood in a room, shook hands, and made a promise to each other. It was a wonderful moment. It was a wonderful moment. We vowed not only to reauthorize the Children's Health Insurance Program for millions of kids who rely on it for basic medical care but also to reach out to millions more children. Today, these many months later, we are one step closer to making the promise into a reality for nearly 10 million children. I am very proud to be working with those Senators, grandfathers and fathers themselves, Senators BAUCUS, GRASSLEY, HATCH, and others, and what they have accomplished in the Senate on the CHIP bill.

The legislation before us today is the result of months of some of the most bipartisan working by both the Senators and the staff of the Senators that I have ever seen. It went on for months, night and day. Every day, the four Senators involved in this met for 2 hours so that we could work out differences and make sure it was bipartisan, and I am so happy to say that it is.

Many Members of the House and Senate had hoped for something different in this bill. Obviously, some wanted more, some wanted less. Some wanted to simply reauthorize the status quo, some wanted to even decrease the children's health insurance funding, and others wanted to add benefits. That is not necessarily evil. Because you did something 10 years ago does not mean it has to stand written in stone forever, such as eye exams. Some wanted to restore coverage to the children of legal immigrants. Some wanted to increase funding to $50 billion.

Individually, we all believed what we proposed was the right thing to do, but ultimately we did not do those things because we compromised because we were determined to be bipartisan and we wanted this bill to pass for the sake of 10 million children. So the promise of the handshake brought us back to the table each and every time and to the common ground we walk today.

Each of us knows the statistics in our own State. I am proud that nearly 40,000 West Virginians were enrolled in our Children's Health Insurance Program last year. These kids can see a doctor when they get sick, they can receive necessary immunizations, and they can get preventive screenings. In fact, at the very beginning, it was very hard to get preventive screenings. Now they can. They will be able to, so they can get a healthy start in life because of this important program. The passage of this bill means thousands more of West Virginia's children will have affordable and stable health insurance, including access to basic care.

A personal comment. This is all incredibly important to me. Four decades ago, or more, I came to West Virginia as a VISTA volunteer. I did not plan to stay; went to a community where nobody had any health insurance, any job, any water, any sewer, any schoolbus. That was an experience which turned me around, gave meaning to my life. It was a small mining community in southern West Virginia where I learned just exactly how important health care can be in the lives of people who work hard every day to raise a family and to do right by their children and how painful it is when they don't have it. That experience has had a profound influence on me, has influenced me every day of my public service career since.

Providing children, especially those who are in the grips of poverty, with health care is moral. It is a moral obligation. It speaks to our deepest humanity and to the better angels of our Nation's character. It was a promise that got started, in fact, with the recommendations of the National Commission on Children, which I was proud to chair and have since worked to implement its recommendations, many of which, including the earned-income tax credit and others, are in effect.

It was, as some remember, a very different time in 1997 when this CHIP program was begun. A decade ago when the debates on CHIP took place, there was a genuine frustration that we could not solve broader problems plaguing America's health care system. We were, in fact, the wisdom was, at the breaking point. That is when a bipartisan group of equally committed Senators at that time were in the finance executive room with no staff and worked long into the morning to develop a CHIP program. It was one of the most glorious moments I can remember. People who had never spoken about children suddenly rose, because we were all by ourselves around a table, and spoke about the importance of doing health insurance for children. It was moving. Some people actually stood as they spoke. We were all around a table and there was no need to stand, but their feelings were so deep and they poured forth because there we were, by ourselves, with our consciences, with the future of children in our hands. We knew we could not solve the entire problem, but we committed to trying to do our best by putting children first. The time has come for Congress once again to put our children first, and the bill before us today does exactly that.

So having said what it exactly does, I want to say what it exactly does not do, this bill.

To start with, we keep our promise that all those currently enrolled will keep their health insurance by investing $35 billion over the next 5 years.

We give States the resources to reach out and enroll millions more kids, which, in fact, sounds very easy, but in rural areas—and I think, of course, of Appalachia—it is a very hard thing to do where, in fact, many parents of children, and therefore the children themselves, are scared of health care, scared of doctors, scared of clinics, scared of hospitals, and want to stay as far away from health care as possible. So it is a very difficult thing to get them to join, but we are determined to do that.

We have included, yes, expanded access to dentists and mental health counselors. All of the history of health care shows those things are incredibly important for children. In fact, even as baby teeth come in, they determine what mature teeth will be, and if you do not tend to them early, the children are in for terrible problems. I have seen so much of that.

We have made it easier for States to identify those children who are eligible but not enrolled in CHIP by reviewing food stamp records, school lunch programs, WIC programs, and all kinds of things that States will decide to do, every State being different, parts of States being different. So there are people—the Governors and those running these programs as they do, not the Federal Government, but the Governors of the States will decide how to do this.

We have maintained the unique public-private partnership that has been the hallmark of the CHIP program which has been universally recognized as the most cost-effective and efficient way of reaching all those children who desperately need access to something sacred called basic medical care.

Most importantly, we have preserved the State flexibility, so the program fits the needs in every State—different in one State as opposed to another.

Now, let me be equally clear about what the bill does not do. It does not raise eligibility limits to families making $83,000 dollars a year. It simply does not do that. I challenge anybody to come on the floor and say otherwise. Our bill does not encourage people to give up private insurance to enroll in CHIP. It does not do that. It does not unfairly raise taxes on the poor and middle class to pay for CHIP. In fact, throughout, both looking backward and looking forward to the passage of this bill and hopefully the signing of this bill, 91 percent of all the children who are covered by the Children's Health Insurance Program will be at 200 percent of poverty or below. That is not wealth. They go out in the private market, and in some places it can be $12,000 dollars, and in others, $9,000. Families cannot afford that. This bill is incredibly important to them.

This bill does not cover illegal immigrants. It does not expand coverage to adults. In fact, it cuts adults off the program over the next several years. It does not turn CHIP into some massive Government-run health care program. The President knows this. He should know this. He is a former Governor. And he has spoken about this favorably. So he should understand this.

So what is the President's plan for children's health care? For starters, provide a bare minimum of Federal funding to keep CHIP on life support and at the same time throw 1.6 million kids currently in the program out of the program. And what is his answer to those kids and the 721,000 who joined the ranks of the uninsured last year? Go to the emergency room. That is the worst increase of health care known in this country. So sit for hours to see a doctor, only to be prescribed medicine that your parents cannot afford. It is not American. That is not American.

Adding to the Nation's growing health care crisis is not a solution. If anything, it would lead to the one thing the President is accusing us of: shifting the burden of paying for health care to taxpayers. We do not do that.

Threatening to veto our bill is a mistake. The majority of Americans believe we need to live up to our obligations to provide children with health care.

How many people wandering around the streets of Washington or any other place in this country would ask: Don't you agree with me that children shouldn't have health care, children who can't afford it, that only the rich should have it? You wouldn't get any takers on that. People care about children. They know they are the future. They want them to have health care. So it is a moral obligation for our children, and the President is squarely on the wrong side of the issue.

All of us here, I know, will do the right thing by our Nation's children. I sincerely hope the President will look deep into his heart and do the same.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Madam President, I rise today to voice my strong support for the reauthorization of the State Children's Health Insurance Program. I want to extend my heartfelt congratulations to Chairman BAUCUS and Ranking Member GRASSLEY as well as to the chairman and ranking member of the Health Subcommittee, Senators ROCKEFELLER and HATCH, for their vital and resolute spirit of bipartisan cooperation and tireless perseverance in crafting an agreement with House negotiators that will maintain health insurance coverage for 6 million children and reach nearly four million more. Their work demonstrates what we can accomplish when we set aside philosophical differences in order to do the right thing for children and their families. I am pleased that we reached a veto-proof majority with the previous cloture vote, which shows strong support for extending and building upon this landmark legislation.

As we all know, the problem of the uninsured touches communities all across our country. Thankfully, we have made tremendous strides in dramatically lowering the number of uninsured children through SCHIP which, time and again, has proved to be both a successful program and a saving grace for millions of American families who otherwise simply could not afford to pay for their children's health care. The stakes could not be more monumental. The quality of the health care that one receives as a child can have dramatic implications later in life. And there is not a family in America who does not want to provide the most comprehensive health coverage possible for its children.

While some may mistakenly characterize SCHIP coverage as a welfare benefit, what they may not realize is that nearly 90 percent of uninsured children come from families where at least one parent is working. Today, fewer than half of parents in families earning less than $40,000 a year are offered health insurance through their employer—a 9 percent drop since 1997. And for many working families struggling to obtain health care, if benefits are even accessible to them, the costs continue to rise, moving further out of their reach. In my own State of Maine, a family of four can expect to pay $24,000 on the individual market for its coverage. For most families, taking this path is unrealistic and unworkable, especially when factoring the cost of mortgages, heating bills, and myriad other financial pressures.

That is why I am pleased that the compromise provides a significant increase in federal commitment into the SCHIP program. With lives literally hanging in the balance, we ought to be building on what works. As we move to reauthorize the SCHIP program, states not only require sufficient Federal funding to ensure that children currently enrolled in SCHIP do not lose coverage and become uninsured, they also require additional funding to enroll more uninsured children—particularly the 11,000 children in Maine who are eligible but unenrolled.

I am particularly heartened that the House and Senate negotiators recognized that dental care is not a ''luxury'' benefit—but one that is paramount to the healthy development of children. A guaranteed dental benefit was included in S. 1224, the Children's Health Insurance Program Reauthorization Act, legislation I introduced with Senator ROCKEFELLER in April.

In addition, as members of the Finance Committee, Senator JEFF BINGAMAN and I sought to improve the quality of dental care through the provision of an assured dental benefit for all SCHIP-covered children during the committee process. Chairman BAUCUS was instrumental in the inclusion of a $200 million dental grant program as a first step towards meeting our goal during the Finance Committee process. And I am pleased that we were ultimately able to see such a strong dental benefit in the package we are considering today.

Most dental disease is preventable with proper care up front, but when a parent cannot access routine care for a child, taking that child to the emergency room is often their only recourse. Yet that option costs at least four times as much as seeing a dentist. Plus, the health care a child receives in the emergency room does not even resolve the underlying problem—they generally provide only pain relief and antibiotics for infection. The bill before us today provides States the choice to either provide a dental benefit as contained in the SCHIP statute or choose among three other coverage options—dental coverage equivalent to the coverage offered by the Federal Employee Health Benefit Plan, FEHBP, dental option—the largest dental plan in the State—or the State employees dental plan with the largest enrollment of children.

The compromise package also replaces the policy announced by the Centers for Medicare and Medicaid Services last month that would essentially prevent state SCHIP programs from enrolling uninsured children from families with household incomes above 250 percent of the federal poverty level. To put this into better perspective, 250 percent of the federal poverty level for a family of four is $51,625. As I illustrated before, families in Maine faced with purchasing a policy on the individual market could face a cost well in excess of $24,000 a year. If States such as mine were prevented from expanding eligibility over 250 percent of poverty, families with a clear, demonstrable need could be shut out.

Families could potentially spend nearly half their income on health coverage yet still not qualify for assistance. That's why 2 weeks ago, Senators KENNEDY, SMITH, ROCKEFELLER, and I introduced legislation to nullify these new restrictions. This compromise will rightfully block efforts to impose onerous and unreasonable restrictions on the States' efforts to reach every child requiring assistance—while at the same time making sure States with more generous income-eligibility levels are meeting their commitment to lower income children.

I also want to speak briefly about the offset contained in this bill. Though some may vigorously disagree, I find that an increase in the tobacco tax is an appropriate avenue to help finance health coverage for low-income children. The health complications caused by smoking—for instance, the increased risk of lung cancer and heart disease as well as the clear relationship between the number of cigarettes smoked during pregnancy and low birth weight babies—could not be more evident. It is clear to me that investing in children's health, while at the same

time discouraging children from starting to smoke in the first place, is the best form of cost-effective, preventative medicine.

Regrettably, this week we will hear a litany of reasons why we shouldn't cover more children through SCHIP. Some will express concerns about the size and cost of the package. I would respond that it should inject a dose of reality on the magnitude of the problem. States have responded to the call of families who are struggling every day with the cost of health insurance and are assuming a tremendous burden in the absence of Federal action.

In addition, we should bear in mind that this bill is $15 billion below the amount we provided for in the budget resolution. Again, this bill is the product of compromise. Some of us wanted to go further. Senator ROCKEFELLER and I introduced legislation to reauthorize the program at the full $50 billion—a bill that garnered 22 bipartisan cosponsors.

Although there were compromises made along the way on various policy positions, one point is not up for discussion—simply maintaining the status quo of current levels of coverage is unacceptable. And while the Congress and the White House argue over philosophical differences, children are either going without coverage, or their parents are financing their care on credit cards, hoping they can stay on top of their debt.

We are the wealthiest Nation on earth, and if we are unable to provide health insurance and medical care to our young people, then what does that say about our values? Some of my colleagues will contend that the SCHIP reauthorization we are considering is the first step toward government-run health care and that we will substitute public coverage for private insurance. The fact is that this SCHIP program came into being ten years ago. We haven't seen that evolve from the SCHIP program. We didn't see it materializing into a government-run health care program, as many have alleged here today. It absolutely hasn't happened. What we did was identify a need and address it in a bipartisan manner.

These claims ignore the fact that today, 73 percent of the children enrolled in Medicaid received most or all of their health care services through a managed care plan. In fact, America's Health Insurance Plans, AHIP, a national association representing nearly 1,300 member companies, has recently endorsed this legislation, stating ''it repairs the safety net and is a major movement toward addressing the problems that States and Governors have been trying to address, which is how to get access for children.'' The bill also helps shore up employer-based coverage by granting states the option to subsidize employer-sponsored group health coverage for families that find the coverage beyond their financial means.

Some have argued that SCHIP should reduce coverage for adults, especially childless adults. While I believe that coverage for adults can have a clear benefit for children, both in terms of enrollment of children as well as the simple fact that health problems for a working parent can lead to economic insecurity for the family, this approach represents an area where we had to compromise. But I find it contradictory that the administration, which has been so vocal in its opposition to the cost and scope of the compromise package, granted the majority of the 14 adult coverage waivers granted over the past ten years and renewed a waiver for adult coverage in May!

Some will argue that reauthorization should be attached to a larger initiative on the uninsured. We must acknowledge forthrightly that working families are having a difficult, if not wrenching, time finding affordable, meaningful coverage—coverage not just in name only. Access to affordable, quality health care is the No. 1 one domestic priority of Americans, and the public will hold us all—Republicans and Democrats alike—accountable on delivering that goal. That is why I have been engaged with my colleagues in an effort to address the critical issues of extending coverage, reducing costs, and revolutionizing care delivery. But while I agree with many of my colleagues that legislative action to solve the problem of the uninsured is long-overdue, children should not be kept waiting. We cannot defer the urgency of providing health insurance for our children while we continue to procrastinate on the issue of the uninsured.

Frankly, I am outraged by the news that the President is considering a veto of this legislation. I believe this seriously misjudges the genuine concern Americans have about access to care, particularly for children. In a March New York Times/CBS News poll, 84 percent of those polled said they supported expanding SCHIP to cover all uninsured children. A similar majority said they thought the lack of health insurance for many children was a ''very serious'' problem for the country.

SCHIP has been the most significant achievement of the Congress over the past decade in legislative efforts to assure access to affordable health coverage to every American. Today, as we consider this reauthorization, we must not undermine the demonstrated success of this program over the past decade. Compromise on both sides of the aisle helped us create this program ten years ago and hopefully a renewed sense bipartisan commitment will help us successfully reauthorize this vital program.

I would strongly encourage the President to reconsider his short-sighted veto threat and work hand-in-hand with Congress to extend health insurance to countless, deserving children. I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, on behalf of Senator BAUCUS, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, this Children's Health Insurance Program is universally acknowledged as having reduced the number of uninsured children in America. As the Senator from Maine has just said, we can be very proud we have seen a landmark compromise between Republicans and Democrats. With the talks going on between the House and the Senate, this compromise legislation is going to allow us to continue coverage for millions of low-income children and to expand the coverage to millions more.

It is so popular because if we can attack poor health at a child's age, ultimately, not only is it going to benefit the quality of life of that individual, but it is going to be less of a cost to society in the long run, if you can get at their root problems of health while they are young. This is a simple economic fact, preventive health care.

In my previous life as the elected State treasurer and insurance commissioner in Florida, I chaired the board of directors of the Healthy Kids Corporation. It was Florida's pioneering effort to insure low-income children well before this Children's Health Insurance Program started at the Federal level. We did it through the schools. We had tremendous success. It works.

So there is a collective sigh of disappointment that the President is going to refuse to accept this compromise, which is what reflects the general will, as expressed by that tremendous vote we just had a few minutes ago, allowing the bill to continue to go forward in this legislative process. The President's looming veto threat calls into sharp relief all of those who stand to lose in the absence of fully reauthorizing and expanding this CHIP program.

Think back 10 years ago and what has happened since. The number of uninsured adults has increased, while the rate of low-income, uninsured children has decreased, and decreased not by a little but by a third largely due to this program we are going to pass today.

These children have been afforded better access to primary and preventive care and a better quality of care. This reauthorization is going to provide $35 billion of additional funding over the next 5 years.

Now, of course, that is a bone of contention for some people. If you are going out and finding $35 billion extra to fund something—at a time there is not that money out there, particularly when we are going to have a supplemental request for Iraq of some $200 billion—under that circumstance, that context, where are you going to get 35 billion new dollars over 5 years to fund a program such as this? The tobacco tax.

There are those who do not want to tax tobacco. But where else would you

like to get it? You cannot make it up. You cannot go and print the money. You have to get it from some legitimate place. This is the place that can withstand that additional tax. So there will be some who will vote against this program because they do not want to tax tobacco. Well, let their record be clear why they oppose this popular program.

The added investment in children's health is not only necessary, it is fruitful. It is common sense. Healthy children are more likely to stay healthy as they move into adulthood. Certainly, if they are healthy, they are going to have more productive lives. On top of all this, don't we have a moral imperative to ensure that children, regardless of their parents' income, are able to have a healthy life?

I think that is what makes up our moral fiber, our fabric, all of our teachings, our traditions. Our values say we want to have health care for children regardless of their parents' ability to pay.

The President has argued that this expansion is going to take the CHIP program beyond its original intent of just helping poor children. Some people say it is going to be helping adults. Do I think that pregnant women—pregnant adult women—ought to be helped? I would think common sense would say yes.

I believe this program would deepen and expand that initial promise which is helping those American families that struggle with those health care costs that are rising much faster than their wages.

Can you imagine being a parent and watching your child have a health problem and you cannot do anything about it because you do not have the financial means to take away the pain of that health problem of your own child? Parents would get out and scrap and scrape, they would dig ditches, they would clean latrines, they would do anything for their child. But, sadly, because of the low income of some families, those children do not have that health care. Well, we can address that and correct that today.

The President has also said this expansion is going to bring us down a path toward the federalization of health care. Well, that is simply not so. There is wide latitude in this law to give that latitude to the States. I believe, simply, children are too precious to be held hostage to an ideological debate. This program is more important than the rhetoric about government-run health care.

By virtue of me telling you my background, obviously, this bill is very important for my State of Florida, where over 700,000 children alone are uninsured. This legislation is the best opportunity to expand that coverage to a significant portion of those 700,000 children and certainly across the land to millions of children.

We have seen the success. We are aware of how many more children need to participate. I humbly urge the President to reconsider his veto threat. It is rare we have a chance to pass legislation that is so overwhelmingly positive, so completely necessary, and so morally unquestionable.

I am certainly going to cast my vote in favor. I hope a resounding percentage of this Senate will do likewise so we can send a very strong message of support.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Ohio.

Mr. BROWN. Mr. President, I would like to follow on the comments of my colleague from Florida, Senator NELSON, in support of the Children's Health Insurance Program bill.

This week, the House of Representatives passed the bill overwhelmingly, 265 to 159. Of my 18 Ohio House colleagues, about two-thirds of them voted for this bill. It is clearly something we know works in my State.

The Children's Health Insurance Program was passed 10 years ago in the House of Representatives and the Senate. It was established. President Clinton, a Democrat, with a Republican House and a Republican Senate, supported that issue, and it has clearly worked.

We have some 6 million children in this country now who benefit from the Children's Health Insurance Program. In my State, it is around 200,000 children. We also know this legislation will mean about 4 million more children in the United States will benefit from this health care program.

These are sons and daughters of working families. These are not people living in the lap of luxury. They are families making $20,000, $30,000, and $40,000 a year. They are families where they are working hard, playing by the rules, but they are not making enough money to buy insurance. Their employers do not offer insurance. So this is what we need to do.

Now, the President says he plans to veto this bill for two reasons that I can understand. One of them, he said, is the cost. This is $35 billion over 5 years; $7 billion a year. But just make the contrast: We are spending $2.5 billion a week—$2.5 billion a week—on the war in Iraq. Yet the President does not want to spend $7 billion a year to insure 4 million children. That is his first reason—the cost.

The second reason, the President says: I want private insurance to take care of these children. Well, so do I. So does Senator GRASSLEY, who has been a major leader on this issue in the Senate on the other side of the aisle. We all do. But the fact is, private insurance is not taking care of these children. Again, they are sons and daughters of people with jobs paying $20,000, $30,000, $40,000, $50,000 a year, people without insurance and without the financial wherewithal to be able to take care of these children.

The President came to Cleveland a few months ago and said everybody has health care in this country. They can get it at the emergency room. I want children in this country to get preventive care in their family doctor's office, not acute care in the emergency room.

Before the President makes his decision, I would like him to meet three families in Ohio, people who really speak to this whole issue.

I want him to know about Dawn and Glenn Snyder and their son Cody, living in Bloomingdale, near Steubenville, near the Ohio River in eastern Ohio. Dawn works in a doctor's office, and Glenn works temporary jobs. Cody is 3 years old and has cerebral palsy. Until he was a year old, Cody had bleeding in his brain and seizures. Sometimes Glenn has insurance and sometimes he doesn't. It depends on where he is working. Dawn is going to lose the coverage for her family that she has gotten because they can no longer afford to buy it.

So even though Cody needs regular medical care from a neurologist and an eye doctor, as well as routine preventive care that all children need, he is in danger of having no access to health insurance. However, the Snyders will have coverage if this bill is signed into law.

If this bill passes, Cody will likely qualify for care under Ohio's new Children's Health Insurance Program. I would add also, on a bipartisan note, Governor Strickland, the new Governor of Ohio, with a resounding bipartisan vote out of the legislature, moved the eligibility to 300 percent of poverty so families making up to about $50,000 or $55,000 a year will have coverage.

If this bill passes, it means the Snyders will have a safety net for Cody's coverage and will be able to live with the security of knowing their son will receive the care he needs.

Then there is the story of Evan Brannon. Evan is a 1-year-old from Dayton in southwest Ohio. His dad Kenneth is currently not working, after losing his job as a repairman for a telephone company. Angela, Evan's mother, stays at home with him and has a baby on the way.

Evan was diagnosed with a congenital hernia of his diaphragm and is on a feeding tube, and he also receives medicine through a tube. He receives physical, occupational, and speech therapy. His parents looked into private coverage and learned they would never qualify for it because of Evan's preexisting condition. The family is faced with $5,000 to $6,000 a month in medical expenses. Angela can't go back to work. Kenneth is looking for a job but can't get a position over a certain income level or Evan will lose medical coverage. How is this family ever supposed to get ahead if they have to make sure not to make too much money out of fear of losing health insurance for their children? What kind of incentive is that to build into the system?

Passing this bill will fix that. This is just one way in which America's families' opportunities are limited by our

country's inability to provide the insurance the children's health insurance will provide.

One more story. David Kelley is a 13-year-old living in Erie County, right next door to where I live. He lives with his mother Heather and his stepfather Timothy. David has been diagnosed as bipolar, mildly autistic, and suffers from Asperger's syndrome. He also has a rare form of asthma. David was born 2 months premature. His doctors believe that a lack of oxygen and other complications may have caused the conditions he has coped with daily for 13 years, although the causes are not completely known.

David's health conditions require him to regularly visit a psychiatrist, a psychologist, and a primary care physician. His medications cost $2,000 each month, and Medicaid covers it. His mother Heather has said her greatest fear in life is of David losing his medical coverage. She herself has multiple sclerosis and is unable to work. No private insurance plan will ever cover David because of those preexisting conditions. Heather has made navigating the Medicaid and social service systems a nearly full-time job just to maintain David's benefits. Here is another family in need of help from the Senate.

I hope our President will not leave the Kelleys, the Brannons, or the Snyders behind, without the health coverage their children so desperately need. I hope he can have compassion for those families struggling so hard to make ends meet and whose greatest wish is to provide the most basic of needs for their children: housing, food, and health care. I hope the President can see what a sound investment this is. This isn't spending $7 billion a year; this is investing $7 billion a year in the future of our families, the future of our children, and the future of our country. Four million American children will receive health insurance if the President signs this bill. He must sign it into law. Too many people are counting on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, there is no doubt in anyone's mind that the SCHIP program will continue. That is a certainty, as certain as anything can be. The question is whether the SCHIP program, the State children's insurance program, will remain true to its targeted population which was contemplated by Congress in 1997 when it passed with strong bipartisan support or whether it will expand into a new burgeoning Federal program that has lost sight of its original mission and which, in the minds of some, represents another incremental step toward a Federal Government takeover of our health care system in America.

Let there be no doubt about it, a Federal, Washington-run health care system would be bad for the children and the people of this country. There are at least three things you can guarantee if Washington takes control of our health care. One is it will be incredibly expensive. In other words, taxes will have to go up to pay for it. Two, it will be incredibly bureaucratic, and some bureaucrat with a green eyeshade will decide what kind of health care you or your family gets. Three, there will be rationing of health care. That same Government bureaucrat will decide whether you get a diagnostic test, whether you can be scheduled for an operation when you need it, or what other kinds of health care decisions you can make. In fact, the choices will be taken from individuals and be given to the Government. That is a bad idea, although there are some who have advocated this for many years, including the leading Democratic contender for President of the United States, who has advocated a government-run health care system since the early 1990s.

This cannot be an expansion of a wildly successful program that has lost its focus on the poor children of America, and how in the world could I possibly say that? Well, this bill we are debating now raises spending by 140 percent—140 percent—at a time when my constituents tell me they are very concerned that the Federal Government has lost its way when it comes to spending and are worried that they will see consequential increases in their tax burden as a result of out-of-control Federal spending.

Along with virtually everyone else in Congress, I strongly believe the SCHIP program should be renewed, and it will be renewed. I voted for a renewal bill called Kids First that provided $10 billion in addition to the $35 billion over 5 years and which would enroll 1.3 million new children in SCHIP. But the majority has rejected that as too miserly.

Whom do they want to cover with the State Children's Health Insurance Program? Well, No. 1, they want to cover adults in 14 States, and in New York City they want to be able to cover up to 400 percent of poverty. A family making $82,000 a year would be—half of whom would be displaced from their private health insurance to get government-funded health insurance at the courtesy of the beleaguered American taxpayer. That is wrong.

The other inadvertent consequence of this will be because government doesn't know how to control health care costs except to ration access to health care, we are going to see more and more people now who will be displaced from private health insurance to go on to government insurance who will find low reimbursement rates—close the doors to access to health care providers. In the city of Austin recently, there was a story written that said only 18 percent of physicians accept new Medicare patients—18 percent. The question was, Why? Well, the Federal Government Medicare reimbursement rate is so low, doctors can't continue to accept new Medicare patients and keep their doors open. In a similar fashion, the SCHIP rate is regulated by the Federal Government, as is the Medicaid rate. The only way many physicians and health care providers keep their doors open is to have a mix of government-subsidized health coverage and private health insurance. We all know private health insurance carries the cost to allow many health care providers to keep their doors open.

It is not conspiracy theories, it is not an exaggeration to say this is an incremental step toward that single-payer, Washington-controlled health care system. Right now, the Federal Government pays 50 percent of the health care costs in America today.

I think it is a bad idea to lose sight of the original target for SCHIP, which is children whose families make up to 200 percent of the poverty level, who have more money than they can make and still qualify for Medicaid. But we should do everything in our power to recommit to those children that we are going to make sure the money Congress appropriates, takes out of the pocket of the taxpayer and provides in terms of health benefits to them, is true to the vision Congress originally intended and that that money which could go to expanding health care coverage to these kids who come from relatively modest incomes is not taken and provided for adult coverage or middle-income coverage in places such as New York for up to 400 percent of the poverty level.

So there is a lot of misinformation and, indeed, downright demagoguery going on in the media and elsewhere with regard to what is happening here. I hope we will make one thing clear: that every Member of the Congress—certainly this Senator—supports a continuation and reauthorization of SCHIP. It is a canard to suggest that anyone is denying access to health care to the children who have benefited historically and should benefit from SCHIP. But it is simply a Trojan horse to suggest that we are merely reauthorizing this legislation because what is happening is we are seeing a dramatic expansion of Federal spending, losing sight of the targeted population, and taking another incremental step toward a disastrous Washington-controlled and -run health care system which will be expensive to the American taxpayer, which will be incredibly bureaucratic, and which will result in rationing of health care, which is something that is not in the best interest of the American people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. CORKER. Mr. President, I thank the Chair. I will try to use less time. I know we have a lot of business today. I rise also to talk about the SCHIP bill we just voted on for cloture, and hopefully, later this evening, we will have the opportunity to vote on final passage.

I have been here a short amount of time, and I continue to be amazed at some of the rhetoric that ends up circling much of the legislation we discuss in the Senate. I do not think the SCHIP bill is perfect. I am going to vote for the SCHIP bill. I haven't been in the Senate long enough in 8½ months to have actually ever voted for a perfect bill. Chances are I may never vote for a perfect bill in the Senate. I know this bill has been threatened to be vetoed. Again, I think about the irony of a bill such as this being vetoed by the administration.

The most recent health care legislation that I remember passing out of this body that was a large bill was Medicare Part D. As I remember, that was a bill where nothing was paid for. We added $700 billion to $800 billion in deficits. There was no attempt whatsoever for that to be paid for. It also created coverage for individuals who did not need coverage. It didn't matter. We passed a massive bill. I was not here during that time, but it passed several years ago.

The uniqueness of this bill is that there has been an attempt to actually pay for it—something unique in recent times as it relates to health care coverage. Secondly, it actually is health care for people who need it, which is also very different from some of the things we have focused on in the past. So I find it very ironic that this administration has chosen this bill to veto.

I have heard a lot of comments about the frailties of this, and one of the most recent red herrings regarding this bill was that it would allow illegal immigrants to receive health care. That is absolutely not true. But based on the standard of this argument that was put forth recently, we certainly need to ensure that immediately we would do away with Social Security, Medicare, and Medicaid because they would be held, of course, to a standard that cannot be met. That is an argument which obviously is not true.

I also heard that this bill had earmarks in it. I have looked and I can't find any earmarks in this bill. There is a hospital in Tennessee, down on the Mississippi-Arkansas border, and it happens to deal with low-income citizens who come there from Mississippi and Arkansas. So this bill allows that hospital to be paid Medicaid reimbursement for the patients it sees from Mississippi and Arkansas. If that is the new standard for earmarks in this body, then I suppose every comment or statement we make will now become an earmark.

I have also heard the comment that this is the backdoor to socialized medicine. I really think that one is maybe the most humorous I have heard. I do wish to bring this body's attention to the fact that the Bush administration—the Bush administration—since it has been in office has approved these waivers and state plan amendments: in June of 2004 to California, allowing them to go to 300 percent of poverty, again above the intent of the original SCHIP bill; in Hawaii, in January of 2006, allowed the State, through executive prerogative, to go to 300 percent; in Massachusetts, in July of 2006, this administration allowed that State to go to 300 percent; in Missouri, in August of 2003, this administration allowed them to go to 300 percent; in New York, in July of 2001, this administration allowed them to go to 250 percent; in Pennsylvania, in February of 2007, just a few months ago, to 300 percent; in West Virginia, in December of 2006, to 220 percent. But the one I have left is the one that is most recent.

This administration, without any legislative involvement, in March of 2007—a few months ago—agreed to let the District of Columbia go to 300 percent of the poverty level. So for those people to say this bill is a back door to socialized medicine, it seems to me they have not taken into account the front door of the Bush administration, which all along has allowed nine states to expand their programs beyond the original intent of the SCHIP program. This bill actually causes this out-of-control process that has been ongoing during the Bush administration to actually be reformed. It actually causes reforms to take place so this bill will more fully embrace its original intent.

So I rise to say there is a lot of rhetoric that is being used in this SCHIP bill. This bill is not perfect. I know my colleagues on the other side of the aisle would like to see changes in this bill. I would like to see changes in this bill. I think it could have had a more credible debate had the administration initially funded this in their budget with an appropriate amount of money to even allow the program as it is to continue.

I will vote for this bill. I am not going to argue to any of my colleagues as to what they should do. I will vote for this bill because I believe it focuses on those most in need—children—mostly poor children in our country.

What is actually moving our country toward socialized medicine is the fact that none of us in this body have yet taken the steps to make sure that those most in need have access to private, affordable health care. I know there are a number of bills that have looked at that. I have offered a bill—again, it is not perfect—and I hope Members of this body will actually cause it to be improved by adding amendments. But the fact of the matter is, what will move our country toward socialized medicine is not this SCHIP bill, which focuses on poor children in America, but it will be the lack of action in this body to create methodologies, which we could do, to allow people in need to have access to private, affordable health care.

Ms. STABENOW. Will my colleague yield for a question?

Mr. CORKER. Yes.

Ms. STABENOW. First, I thank the Senator for his comments on the floor of the Senate, debunking what has been inaccurate statements that have been made and also for laying out the realities of what is true about this proposal. I think the Senator has done it in a wonderful way. I appreciate the Senator's willingness to stand up and talk about what is real, important, and the fact that this is such a strong bipartisan bill.

I wonder if the Senator might comment on the fact that aren't we talking about working families, low-income working families, trying every day to keep things together for their family, and they want to know that the children have health care? Isn't that what this is all about?

Mr. CORKER. That is exactly what the bill is about. There is no doubt—and I think we should all acknowledge this—that there are some cases in some States where there has been an aggressiveness to actually cause some adults to be covered who should not be covered. In this bill, focusing toward 2010, there is an effort to reform that, to cause the focus to return back to children.

Also, there is no question that this administration, which offers the fact that they are going to veto this bill, has done more to change the dynamics of SCHIP than any legislation that we could pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, today is a momentous day. We have the opportunity to extend health insurance coverage to 10 million low-income children, 4 million of whom, without this bill, simply would continue to be a statistic in the ranks of the uninsured. In Oregon alone, we estimate that at least 60,000 new young people will receive health insurance and possibly even more.

Because of the outstanding work of my colleagues, Senators BAUCUS, GRASSLEY, HATCH, and ROCKEFELLER, and because of their work, we have before us a proposal that will garner wide, bipartisan support. I commend them for their efforts and thank them for their willingness to work with me to incorporate a number of important policies not only to Oregon but to millions of young Americans across this country.

When I first arrived in the Senate in 1997, I had the opportunity to learn about an outstanding idea launched by two great colleagues, Senators KENNEDY and HATCH. That idea was known as the State Children's Health Insurance Program. When they described the details to me, I recognized in it many of the features I had worked on as an Oregon State Senator in the development of the Oregon health plan. I told them to sign me up and let me know how a junior Senator on the Budget Committee could help them. It was my privilege to do that with an amendment on that year's budget.

But here we are, 11 years later; now I serve on the Finance Committee, and I have had the opportunity to help craft

a bill that will provide the authority and funding needed to continue SCHIP for another 5 years. It is a responsibility I took seriously then and still. I am pleased to have an opportunity today to renew it and improve it.

As I think of the work we have done to advance this bill, I wish to take a moment to highlight a number of critical policies I have worked hard to advance and which are now included in the bill before us.

First, and perhaps most important, I am pleased we will continue to utilize a 60 cent increase in the tobacco products excise tax to pay for SCHIP reauthorization. Looking back on the debate over the budget this past March, I didn't know, but I hoped at the time, my amendment to do this would garner the support necessary. It has done so. That support has held, and it is now the funding source for keeping the promise of SCHIP.

However, in my opinion, there is no better means to provide funding for children's health care. I know some don't like this. It is, frankly, the only tax increase I enthusiastically support and for which I have ever consciously voted. Not only can we extend health insurance to 10 million low-income children, we can do so while discouraging other young people from smoking. Studies show America's youth is strongly discouraged from smoking if the price of the tobacco product is increased. I am hopeful we will discourage thousands of kids from smoking, which will improve and perhaps save their lives. I see it as a ''twofer,'' to discourage smoking, and you can connect the habit of tobacco with all the public health care costs it imposes. It is a sad statistic that 20 percent of Oregonians who die each year die from tobacco-related illnesses.

I am also pleased to have been able to secure mental health parity in SCHIP. According to a report by the Urban Institute entitled ''Access to Children's Mental Health Services Under Medicaid and SCHIP,'' the highest prevalence of mental health problems among all children, ages 6 to 17, is observed among Medicaid and SCHIP-eligible children at a rate significantly higher than for other insured children and uninsured children. Now, today, the Senate has taken a remarkable step forward to ensuring that SCHIP treats ailments of the mind on the same level as it treats ailments of the body. That is a notable achievement.

We are, as a Senate body, advancing the cause of mental health care as it has needed to be for some time but now hopefully soon. In this bill, and in the mental health parity bill earlier passed, we put mental health on parity with physical health.

This bill also reverses the harmful policy recently implemented by the administration. While I understand the President has some authority to help guide the development of Federal programs, in this instance, the policy released by the Centers for Medicare and Medicaid Services to restrict coverage of children with incomes over 250 percent of poverty simply goes too far.

Therefore, I strongly support the language in the bill that reinforces the Senate's position that States will be allowed to cover children with family incomes up to 300 percent of poverty. I also support the proposal to create a tracking system to more accurately determine who does and doesn't have insurance. This is vital as we continue to work to extend health insurance to all Americans.

Finally, I wish to note how pleased I am to see that States will be able to extend coverage to pregnant women through SCHIP. This makes sense. Prenatal care, when you are talking about children, is truly the point at which they can get the healthier start. Their mothers deserve this if we are serious about the children they bear. According to the National Committee for Quality Assurance, every dollar spent on prenatal care results in a 300-percent savings in postnatal care costs and an almost 500-percent savings in long-term morbidity costs. This is an investment we need to make, and it is well worth making.

Ten years after SCHIP became law, we now have a chance to support a bill that will cover 4 million new children who are already eligible for this program. This is not an expansion, though. This is simply keeping the promise of SCHIP with those children who are currently eligible but for whom we have not had the resources, the dollars, to fully fund this program.

While some have alleged we are expanding the program, expanding government-run health care, that rhetoric could not be further from the truth. We are not expanding the program, we are simply putting our money where our mouths have been. We are taking a step forward to give States the money they need to cover the children who already are qualified for SCHIP but, for one reason or another, are not enrolled. We also are not expanding government-run health care. SCHIP is a program that is delivered by private insurance companies. It is a program that requires families to pay premiums and copayments based on their income levels. It is for these reasons that SCHIP will garner strong, bipartisan support today.

In closing, I know there has been a great deal of rhetoric back and forth between the White House and the Hill. In this instance, with health care for millions of American children on the line, I urge my friend, President Bush, to take a fresh look at the details of this package and realize it is worthy of his support. I urge him to put aside the differences of this debate and sign this bill into law for the sake of our children, America's children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana. The Senator is recognized for 10 minutes.

Mr. VITTER. Mr. President, I rise today to speak about a very important amendment I have filed to the SCHIP legislation that passed the House and was sent back to the Senate. Unfortunately, the majority leader has decided not to allow any Republican amendments to this very important legislation. But I wish to take the opportunity, nevertheless, to discuss my amendment which is filed which is at the desk. It is very straightforward.

It simply says American citizens only are eligible for SCHIP and that no funds will be used to expand health care benefits in SCHIP to illegal immigrants and others.

The legislation we are considering, as written, will do just that. It will expand the program enormously without any regard for focusing on American citizens, and it is very clear that in that expansion, the benefit would go to many illegal aliens because of glaring loopholes that exist in present law and in this legislation.

Congressman JIM MCCRERY of Louisiana has been looking into this issue for several weeks. On September 21, he wrote the Commissioner of the Social Security Administration.

Mr. President, I ask unanimous consent to have printed in the RECORD Congressman MCCRERY's letter to the Social Security Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 21, 2007.

Commissioner MICHAEL J. ASTRUE,
Social Security Administration, Office of the Commissioner, Baltimore, MD.

DEAR COMMISSIONER ASTRUE: As Congress prepares to debate the reauthorization of the State Children's Health Insurance Program (SCHIP), I am writing to request your assistance in clarifying an issue raised by a provision in the Senate passed bill. Specifically, I would request that the Social Security Administration provide technical assistance to explain the impact of Section 301 of H.R. 976, which was passed by the Senate on August 2, 2007.

Concerns have been raised that the implementation of this provision could make it easier for illegal aliens to qualify for government funded healthcare programs including SCHIP and Medicaid. In order to better assess the accuracy of these claims, I would request that you provide answers to the following questions by no later than the evening of Monday, September 24, 2007.

1. If implemented as written, would the name and Social Security number verification process in section 301 of the Senate SCHIP bill allow the Social Security Administration (SSA) to verify whether someone is a naturalized citizen?

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

5. Would the name and Social Security number verification system in Section 301

prevent an illegal alien from fraudulently using another person's valid name and matching Social Security number to obtain Medicaid or SCHIP benefits?

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Thank you for your prompt attention to this matter. If you should have questions about any of the requests in this letter, please contact Chuck Clapton of the Ways and Means Committee Republican staff.

Sincerely,

JIM MCCRERY,
Ranking Member.

Mr. VITTER. Mr. President, Congressman MCCRERY laid out seven very simple and straightforward questions that go exactly to this point: Is there any reliable way to ensure that this program is reserved for American citizens, not illegal aliens in the country?

Unfortunately, the answers—all seven of them—came back: No, no, no, no, no, no, no.

Mr. President, I ask unanimous consent to have printed in the RECORD the Administrator's responses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

If implemented as written, would the name and Social Security number verification process in Section 301 of the Senate SCHIP bill allow SSA to verify whether someone is a naturalized citizen?

No, the name/SSN verification process only indicates whether this information matches SSA's records. Our understanding of Section 301 is that it would provide States with the option of using a match as a conclusive presumption that someone is a citizen, whether naturalized or not. Since we have no data specific to this particular population, we have no basis for estimating how many noncitizens would match if this language were passed by Congress.

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

Section 301 would not provide for verification of citizenship but would create a conclusive presumption based on less reliable data that a person is a citizen. As we read Section 301, it would not require use of DHS data to make a verification of citizenship.

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

No. Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

No.

5. Would the name and Social Security Number verification system in Section 301 prevent an illegal alien from fraudulently using another person's valid name and matching SSN to obtain Medicaid or SCHIP benefits?

No.

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

The name/SSN verification system in Section 301 would not identify individuals who have illegally overstayed a work visa permit.

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Due to a lack of data specific to this particular population defined in section 301, we have no basis for projecting how many ''false negatives'' or ''false positives'' would be produced by enactment of Section 301, but they will occur.

Mr. VITTER. Mr. President, the responses are very clear:

. . . we have no basis for estimating how many noncitizens would match if this language were passed by Congress.

Section 301 would not provide for verification of citizenship. . . .

Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

They will not detect illegal aliens who have gotten Social Security numbers fraudulently.

The . . . verification system in Section 301 would not identify individuals who have illegally overstayed a work Visa permit,

And on and on.

The record is perfectly clear, including from the Social Security Administration Commissioner, that there is nothing in the SCHIP legislation to prevent this fraud, to prevent these very significant costly benefits coming from the Federal taxpayers from going to illegal aliens in the country.

Again, this is a glaring problem with this legislation. It is a glaring problem with many existing Federal benefits that we should address head on. Absent a solution to look at this carefully in the context of this legislation, I do not think it should move forward.

Again, it is truly unfortunate that we have no ability to vote on this amendment on the Senate floor. This is a significant issue, this is a significant bill, and yet no Republican amendments, either this amendment or any other, can be considered on the Senate floor given the procedures the majority leader has used to shut out debate, shut out amendments, move forward, ignore a very serious concern of the American people. I think that is unfortunate. I also think it is reason not to move forward in passing this SCHIP legislation—one significant reason among others.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. 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. CLINTON. Mr. President, today, in this Chamber, we are considering three critical issues that go to the heart of values we have as a nation, three pieces of legislation that seek to honor these values by putting them into action. We have passed and I am proud to support a bill to strengthen our capacity to stop hate crimes by supporting local law enforcement. We will be passing the largest expansion of health care for children since we created the Children's Health Insurance Program during the Clinton administration. Finally, included in this Children's Health Insurance Program legislation is a provision I sponsored and authored with Senator DODD to support injured servicemembers by giving their families more time off under the Family and Medical Leave Act. This is a banner day for the Senate and the Congress, and I am proud to join a bipartisan coalition in tackling these challenges, from children without health insurance to military families without the support they need.

We will pass the CHIP legislation by a wide margin, and so the choice will then fall squarely on the shoulders of the President. Will he join us in helping injured servicemembers and in providing health care to 3.8 million children who right now don't have it or will he put ideology ahead of military families and vulnerable children? We in this Chamber know what the right choice is. The American people also know what the right choice is. I hope our President will put progress over partisanship and join the bipartisan majority and the vast majority of Americans in believing we can no longer treat these challenges and the people who face them as though they were invisible.

I believe every child deserves health care. Yet far too many children in our Nation—more than 9 million—do not have access to quality, affordable health care. That is a moral crisis which should be impelling us to act, and this Congress has done so.

A few weeks ago, I met Amy McCutchin, who was struggling to find health insurance for her 2-year-old daughter Pascale—a healthy, lively 2½ year old. Amy works as a contractor while also going to school for her master's degree. She is divorced. She lost her insurance because of the divorce. She is not offered insurance through her employer because she does freelance work. Unfortunately, Pascale and her mom are among the millions for whom the Children's Health Insurance Program is currently unavailable.

When I met Amy, she stressed she is trying to do the right thing. She works hard. She is what we would call barely middle class. In fact, she can't miss a day of work or she doesn't get paid. But she is also going to school full time, and she has to balance that with her work and the care of her daughter. She is falling through the cracks, and so is little Pascale.

This is a story which is being told 9 million times every day by the parents

of the children without health insurance. Today, we can tell a different story and create a different outcome.

I was proud to help create the State Children's Health Insurance Program during the Clinton administration. I worked on that legislation during my time as First Lady. In fact, after the bill was passed into law—a bipartisan majority in this Congress made that happen—I helped to get the word out to tell parents that help was on the way and to sign up children for the program in the first few years. In the Senate, I have continued that effort, fighting to ensure health care for children has the priority in our budget it deserves, and I am proud of the progress we have made.

The CHIP program provides health insurance for 6 million children. In New York alone, almost 400,000 kids benefit from CHIP every month. With this strong bipartisan, bicameral agreement, hammered out in this Chamber by Chairman BAUCUS and Senators GRASSLEY, ROCKEFELLER, and HATCH, an additional 72,000 children in New York will have access to health care coverage.

It will also help enroll many of the almost 300,000 children in New York who live in families who are already eligible for CHIP or for Medicaid because they make less than $52,000 a year, which is 250 percent of the poverty level for a family of four. Now, I know that sounds like a lot of money to some people around the country, but it doesn't go very far in New York, and it is one of the reasons why so many children in New York don't have access to health care and why we are fighting so hard in New York to extend health care to those who need it and can't yet afford it.

According to the Congressional Budget Office, 3.8 million children who are uninsured nationwide will gain coverage. That will reduce the number of uninsured children by one-third over the next 5 years. Now, if we can afford tax breaks for companies that ship jobs overseas and tax cuts for oil companies making record profits, I think we ought to be able to find it in our hearts and in our budget to cover the millions of children who deserve a healthy start.

I want to be very clear. If the President vetoes this bill, as he has threatened, he will be vetoing health care for almost 4 million children and he will be putting ideology, not children, first.

Earlier this year, I was proud to introduce legislation with Chairman JOHN DINGELL from the House of Representatives to reauthorize and expand CHIP, and I am very pleased that a number of the ideas in our bill are included in this legislation, such as cutting the redtape and bolstering incentives to get eligible children into the program. The legislation also improves access to private coverage and expands access to benefits such as mental health and dental coverage.

Some of my colleagues have heard me tell the story about the young boy living in Maryland whose mother wasn't on Medicaid, wasn't on CHIP, and was struggling to get some kind of health care coverage for her children when her 12-year-old son came down with a toothache. Medicaid and CHIP don't cover dental care in many cases, anyway, so even though she eventually got coverage, she couldn't find a dentist who was available to actually provide the dental care. Her son continued to complain, the toothache turned into an abscess, the abscess broke, and the next thing you know, the little boy is in the emergency room and being admitted to the hospital. But because the poison had already spread into his bloodstream, he had to be put on life support, and Demonte didn't make it. So for the lack of a visit to a dentist, which might have cost $80, $85, a little boy lost his life. And this is why expanding access to mental health and dental coverage is absolutely critical.

I also commend the authors of this bipartisan agreement for their work and for bringing forward a practical, fiscally responsible compromise. It represents the culmination of a lot of hard work. I see some of the staff from the Finance Committee here on the floor, and I thank them because I know how much they did to make this possible.

I am also pleased that the conference report includes the support for the Injured Service Members Act of 2007, legislation Senator DODD and I introduced to provide up to 6 months of job-protected leave for spouses, children, parents, or next of kin of service members who suffer from combat-related injuries or illness.

This amendment implements a key recommendation of the Dole-Shalala Commission, chaired by former Senator Dole, who served with great distinction in this Chamber, and Secretary Shalala, who served for 8 years under the Clinton administration as the Secretary of Health and Human Services. Their Commission on Care for America's Returning Wounded Warriors came up with a number of recommendations, and those recommendations are supported by a broad bipartisan coalition in Congress.

The families of our service men and women face extraordinary demands in caring for loved ones who are injured while serving our Nation. Currently, the spouses, parents, and children receive only the 12 weeks of unpaid leave under the Family and Medical Leave Act. But, as the Dole-Shalala Commission found, all too often that is just not enough time. An injured servicemember usually grapples with not only the physical injuries but having been, just a few weeks or months before, a healthy, fit young person and now, with the loss of a limb or being blinded or burned, having to come to grips with all of that. That takes time as well as medical care.

These new injuries our service members are suffering—the traumatic brain injuries—that we are only now focusing on are especially difficult.

I remember being at Walter Reed a few months ago, and I met a young Army captain who had been in a convoy hit by one of those improvised explosive devices, resulting in the loss of his right arm and the ring finger on his left hand because he had his wedding band on his finger and the explosion had caused his wedding band to melt into his finger, unfortunately causing him to lose that finger.

I asked him: Captain, how are you doing?

He said: Oh, Senator, I am making progress. Folks are helping me get used to the prosthetic, and I am learning how to use it. But where do I go to get my brain back? I never had to ask people for help before. Now my wife has to make a list for me, telling me where I have to go to meet my appointments and what I have to do when I am there. Where do I go to get my brain back?

Well, these wounds—some that you can see, some that you can't—are extremely serious and require family members to be available. The language included in the bill expands leave to 6 months. It is a step we can take immediately that will make a real difference in the lives of these wounded warriors and their families, and I hope the President will think about that before he vetoes this bill.

Now, I am disappointed that the CHIP bill doesn't include the Legal Immigrant Children's Health Improvement Act, which I introduced with Senator SNOWE and have been working on with her for a number of years. This bipartisan bill would give States the flexibility to provide Medicaid and CHIP coverage to low-income legal immigrant children and pregnant women. I want to underscore that. We are talking about legal immigrant children and pregnant women.

The current restrictions prevent thousands of legal immigrant children and pregnant women from receiving preventive health services and treatment for minor illnesses before they become serious. Families who are unable to access care for their children have little choice but to turn to emergency rooms. This hurts children, plain and simple, and I think it costs us money. A legal pregnant woman who cannot get prenatal care may have a premature baby, who ends up in a neonatal intensive care unit, which ends up costing us hundreds of thousands of dollars. So I hope we are going to be able to lift this ban and make it possible for States to access Medicaid and CHIP for legal immigrant children and pregnant women.

But I could not be more proud that the Senate is voting on expanding health care to 3.8 million children. There is no debating the importance of this and the way the Senate has come together in order to produce this result.

Finally, I am proud to support the bipartisan legislation which we have passed to strengthen our tools against crimes motivated by hate on the basis

of a victim's race, ethnic background, religion, gender, sexual orientation, disability, and gender identity. These are crimes not just against an individual but against a community. What we have done by moving this legislation forward means we are taking a stand on behalf of those individuals and communities affected.

Hate crimes are an affront to the core values that bind us one to the other in our country. We should dedicate the resources needed to prosecute these crimes to the fullest extent of the law. I am very proud of our country. I think we rightly hold ourselves up as a model for the ideals of equality, tolerance, and mutual understanding. But we cannot rest. We have to continue to fight hate-motivated violence in America. With today's vote, the Senate is proclaiming loudly that the American people will not tolerate crimes motivated by bigotry and hatred, that we will punish such crimes and the bigotry they represent.

I commend Judy and Dennis Shepherd for their extraordinary dedication and leadership when it comes to the prosecution of hate crimes. The murder of their son Matthew was a tragic event for a family, but a motivating cause was created. No parent should ever have to bear what the Shepards have borne, but their grace and their grit in going forward is inspirational. The Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act is a step toward honoring their son's memory, and honoring everyone who has ever been afflicted by hate-motivated violence and harassment.

I commend my colleague Senator KENNEDY for his long-time leadership on this important matter.

The Matthew Shepard Law Enforcement Hate Crimes Prevention Act condemns the abhorrent practice of victimizing people and authorizes the Justice Department to help State and local governments investigate and prosecute these appalling offenses. I commend my colleague and friend Senator HATCH.

Today is a good day for the Senate. We are doing good work. It may be at a glacial pace in the eyes of some of us, but I have faith in our system and I have the utmost respect for this body. It is an honor to be part of it, especially on a day such as today when we make progress on behalf of the values America stands for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I remember it so vividly.

I remember it as if it were yesterday.

But it was 10 years ago that Senator KENNEDY and I stood outside this great building, we stood on the Capitol lawn under a great oak tree, and announced final passage of the Children's Health Insurance Program legislation.

History was made that day, and it has been made every day since.

A true, bipartisan partnership—forged on the strength of good intentions, motivated by a simple desire to help our country's most vulnerable citizens, and nurtured in a politics-free atmosphere—led to enactment of CHIP, arguably the most significant advancement in children's health in this modern era.

Ten years ago, Senator John Chafee and Senator ROCKEFELLER, Senator KENNEDY and I, began a partnership that led to the Children's Health Insurance Program. That legislation, enacted in under 5 months—to show you its potency—was founded on a very basic premise: that we needed to provide incentives to States to help them design plans to provide health insurance to the poorest of the poor families not eligible for Medicaid.

Senators ROCKEFELLER and Chafee argued for a Medicaid expansion. Senator KENNEDY and I argued for a State-directed block grant. The final law was an innovative, workable blend of the two.

Since that time, almost 6 million children have become insured under CHIP. They are leading healthier, more productive lives.

Their parents can sleep at night, resting easy that their children will be taken care of if they become ill.

That peace of mind, that giant step toward a healthier population, is the mark of a compassionate, caring Congress. It was a mark toward reassuring the American people that the Government hears their concerns loud and clear and stands ready to act.

Let us hear that same message today and let us provide our constituents with that same measure of reassurance as we consider this bipartisan agreement to extend CHIP for another 5 years.

This year, as Finance Committee Chairman MAX BAUCUS, Ranking Republican CHUCK GRASSLEY, Subcommittee Chairman JAY ROCKEFELLER, HELP Committee Chairman KENNEDY, and I began our discussions of the Child Health Insurance Program Reauthorization Act—or CHIPRA—we agreed there were several key principles that must be embodied in any extension of the original act.

The bill we consider today is built on those principles.

First, we agreed that the proposal must be fully financed or else it would be irresponsible for us to legislate.

Next, it must retain the original character of CHIP—that is, it must be a flexible, State-directed program. Senator KENNEDY talked about that this morning.

We worked to see the budget resolution provide $25 billion in its baseline to extend the current levels of coverage, and up to $50 billion more if it were fully financed.

Indeed, this bill is fully financed.

The costs above the budget baseline have been certified by Joint Tax to be covered by an increase in the tobacco excise tax.

We agreed that we wanted to continue coverage for those who are currently eligible, but also to conduct extensive outreach to enroll those who may be eligible but aren't enrolled.

Our bill provides health coverage to almost 4 million low-income, uninsured children through incentives to states to enroll these uninsured children in their programs.

We agreed that coverage of childless adults—a policy Senator KENNEDY and I never intended nor envisioned when we wrote our original proposal—we agreed that policy needed to stop.

Under our bill, childless adults currently covered under CHIP will be phased out of the program and transitioned into Medicaid.

I cannot emphasize this enough. Today, 6 million children receive health care through the CHIP program—25,095 of these children are from Utah.

That would not have happened absent congressional action in 1997.

In addition, there are an added 6 million children in families with income under 200 percent of the Federal poverty level—or FPL—who are uninsured and eligible for either CHIP or Medicaid.

According to the Congressional Budget Office, the bipartisan, compromise bill covers close to 4 million of these children—3.7 million to be precise—a significant step by any measure. This is a crucial, crucial part of the bill, an achievement that, while expensive, really goes to the heart of what we are trying to achieve with the original CHIP, and now CHIPRA.

For several weeks now, we have heard a crescendo of opposition to our legislation from officials at the White House, and most recently, our President.

Needless to say, this is disheartening for me. It is difficult for me to be against a man I care for, my own personal President, on such an important bill. I have been and will continue to be one of the President's strongest supporters in the Congress. He is a good man. He means well, but he does have to listen to his staff—or at least does listen to his staff, and I believe he has listened to them in a way that throws barriers up to this bill.

I wish I had had an opportunity to persuade him on the merits of this bill before he issued a veto threat. I did send messages down there, talked to top people in the administration, but I wish I had had a greater opportunity.

Indeed, I am sympathetic to many of the concerns he raises.

When he says that we need to be careful about creating a one-size-fits-all health plan for our children, I believe he is right. When we wrote this program in 1997, we wrote it based on the foundation of giving States the flexibility to design their own CHIP programs. Each State is different—what is good for Utah may not be good for California or Massachusetts.

It is important for States, not the Federal Government, to determine which benefits should be covered. After

all, CHIP is a State block grant program, not a Federal entitlement. That is why we are debating its reauthorization today.

The President has also raised concerns about the Federal dollars that our bill spends on the CHIP program over the next 5 years.

I agree that $60 billion is a lot of money. But in comparison to what the House passed bill proposed earlier this year—they started at $100 billion and came down to $75 billion—it is much more reasonable.

And, as the Congressional Budget Office has told us, it is relatively more expensive to find and cover the low-income children who still do not have health coverage compared to those who are enrolled today.

That is why I was able to agree with the Senate number of $35 billion, in addition to the $25 billion already built in the budget baseline for CHIP—although, to be fair, it is higher than I would have liked. But this is a classic compromise and friends in the House wanted more. Some of them.

It is unfortunate that the President has chosen to be on what—to me—is clearly the wrong side of the issue.

Indeed, this is not the bill I would have written if I had full license to draft. That is true for the original SCHIP law as well.

But, it is hard to envision any major law being written by one person and enacted without change. That is not how good legislation is made.

Indeed, 10 years ago, Senator KENNEDY and I spent many, many hours proposing, arguing, compromising, and refining, in drafting session after drafting session.

Some days it seemed we disagreed more than we agreed.

It was hard, hard work.

But it was a labor of love.

We had a full discussion. We explored all the issues together.

We found compromises where we needed to.

That is how good legislation is made. Sometimes even bad legislation, but this is good legislation.

It pains me that we did not have this full discourse with the administration on CHIPRA.

It pains me that some have been slow to recognize the realities of this new Congress.

Indeed, what some political pundits termed The Trifecta—a Republican House, Senate, and Presidency, is no more.

I thought I should point out this fact for those in this body who may not have noticed.

And so it is no secret, no surprise, that a Democrat-led Congress would seek a more expansive program.

Yet it is to the great credit of our Democratic leaders that they recognize our country's fiscal realities and that they held the line at the additional $35 billion figure.

To be sure, I would have been comfortable with a lower number, just as Speaker PELOSI and Chairman RANGEL and Chairman DINGELL and Chairman BAUCUS and Chairman ROCKEFELLER advocated for a much higher number.

So, again, we have that spirit of compromise which was the hallmark of CHIP in 1997.

I must say it has also been difficult to conflict with my good friend from Utah, Health and Human Services Secretary Mike Leavitt.

He was an expert in health care policy when he was Governor of Utah, and he is even more of a leader on the national level now.

I know the concerns he expressed to me about the CHIP bill in 1997.

I recall our many conversations when he advocated for a greater Federal role in health coverage for needy children. And I also recall his admonitions that we could do better by the children and their parents if we were to provide the States with much-needed flexibility.

The final CHIP block grant reflected that flexibility I believe, and Mike Leavitt's good counsel helped us improve the law. I hear Secretary Leavitt's concerns when he says that he is concerned about paying for the reauthorization of this program through tobacco taxes. I am not comfortable with raising taxes either. However, when we first created the CHIP program in 1997, we believed that it was entirely fitting that the bill be funded through incentives to decrease the use of tobacco, a leading killer of Americans young and old. And, therefore, I am comfortable with raising tobacco taxes to pay for our CHIP program.

I understand his concerns about crowd-out and higher income children dropping their private health coverage in order to be covered through CHIP when CHIP was created to provide health care for low-income children.

And I agree with him 100 percent when he says that we are only fixing part of the problem by reauthorizing CHIP and not addressing what's wrong with the entire health care system.

He and I have visited on several occasions on these issues. I have benefited by that guidance, and I sincerely regret that ultimately we disagree on this bill. But I am willing to work with him to try to come up with an overall health care plan that will work.

I might add that I believe we have had an honest misunderstanding which has not only been raised by Secretary Leavitt but the President as well. They say that our legislation allows families with annual incomes of $83,000 to be covered under a State CHIP plan.

Let me be clear. Our legislation does not permit a State to cover these families unless the Secretary of Health and Human Services approves the State's application to cover individuals at that income level.

We do not change current law and put Congress in charge. We leave that decision in the hands of the Secretary.

We do not take away the Secretary's authority to make that decision.

I hope that point is clear.

At this point, it may be helpful for me to outline for my colleagues exactly what this bill does.

As I stated earlier, CHIPRA is a 5-year reauthorization which spends an additional $35 billion in Federal dollars on the CHIP program, in addition to the $25 billion in Federal dollars already built into the budget baseline.

So, in total, we are spending $60 billion in Federal dollars over the next 5 years on the CHIP program.

And I know that sounds very expensive, especially to my Republican colleagues. In contrast, the bill passed by the House in August would have spent an additional $50 billion on CHIP on top of the $25 billion in the budget baseline for a grand total of $75 billion.

As this chart indicates, we spend far more Federal money on Federal health programs then we are suggesting that we spend on the CHIP program over the next 5 years.

This chart compares projected spending in Medicare, Medicaid and the National Institutes of Health to the spending that we authorize for the CHIP program from fiscal year 2008 to fiscal year 2012.

For the Medicare Program, CBO projects that the Federal Government will spend $2.6 trillion, yes, trillion dollars over the next 5 years.

For the Medicaid Program, CBO projects that the Federal Government will spend $1.22 trillion over the next 5 years.

For the NIH, we project that the Federal Government will spend approximately $150 billion over the next 5 years.

In contrast, our bill authorizes $60 billion over the next 5 years. I think these numbers speak for themselves. We can spend billions, even trillions of dollars on programs for the elderly, disabled, very poor and for medical research but spending $60 billion to provide health care for the children of the working poor causes the President to issue a veto threat? Something here just doesn't add up, especially when you look at these numbers on this chart. The spending for the CHIP program hardly shows up on this chart compared to the other three programs.

Let me remind my colleagues that this legislation is built on compromise.

Is it perfect?

Far from it.

But does it cover more CHIP-eligible kids, our ultimate goal? Absolutely.

And that's why I am a strong advocate for this bill and urge my colleagues to support it.

This is a good compromise.

It is a $35 billion bill—not a $50 billion bill. The House ultimately agreed with the Senate on this issue. I do not blame them. They are very sincere in thinking you can just throw money at these things and you will do more good.

It does not include Medicare provisions. The House also dropped its insistence on this issue, even though

there was tremendous pressure to include Medicare provisions such as a fix for the sustainable growth rate formula flaw, which is the physician reimbursement rate, in 2008.

But let me be clear, all of us agree that these important Medicare issues must be addressed by the end of this year. Just not in this bill.

Before I continue, I would like to note that both the $35 billion limit and agreement not to include Medicare provisions were huge concessions by the House of Representatives.

Honestly, I never thought that the House leadership would agree to those terms; and, trust me, those were the two conditions that were nonnegotiable as far as I was concerned.

The moderation on the part of House leaders is a true indication that they are serious about getting a bipartisan CHIP reauthorization bill signed into law.

Key provisions of this legislation are the tools and resources it provides to enroll more of the CHIP-eligible children. As I previously stated, in addition to the 6 million children already covered by CHIP, this bipartisan compromise bill would provide coverage to almost 4 million more uninsured, low-income children.

The bill no longer allows new State waivers for adults to receive their health care through CHIP. Childless adults will be phased out of CHIP and will be covered through Medicaid.

States that currently cover parents may continue to do so; but after a transition period, States will no longer receive the enhanced CHIP match rate for covering parents.

The legislation rewards States for covering more low-income children by establishing a CHIP performance bonus payment for States that exceed their child enrollment targets.

We worked hard to make certain there will be no funding shortfalls with this legislation.

The bill provides States adequate money in their CHIP allotments so they will not experience funding shortfalls in their CHIP program.

As a safeguard, we created a Child enrollment contingency fund for States that experience a funding shortfall as a result of enrolling more low-income children.

Shortfalls have been a serious problem. They are something we want to avoid.

In addition, the proposal clarifies that States will only have 2 years to spend their CHIP allotments. Today, States have 3 years to spend their CHIP allotments.

It gives States a new option to provide coverage to pregnant women. Today, pregnant women are only covered in CHIP if the State has been granted a waiver to cover pregnant women or through the Administration's unborn child policy.

This is a proposal Senator KENNEDY and I seriously considered including in 1997. We ultimately concluded that the cost of childbirth hospitalization was so expensive, then, about $4,000 a birth, that the greater public good could be achieved if we focused those resources on providing more insurance policies to needy children.

It was not a policy we undertook with great comfort. Indeed, Senator KENNEDY argued strongly for coverage of pregnant women. But ultimately, we chose to advocate for the policy that covered the most children.

Today, we are both satisfied that the bill embodies the correct policy, if I may speak for the Senator from Massachusetts on this point.

CHIPRA provides beneficiaries and their families with coverage choices. If the State provides premium assistance through its CHIP program, CHIP beneficiaries may choose to be covered through the State CHIP program or receive premium assistance to receive health care through a private health plan. And States like Utah that already have premium assistance programs for their CHIP beneficiaries would have their programs grandfathered in, in other words, their programs would continue to exist.

It also provides CHIP beneficiaries with dental benefits, states will have a choice of four dental benchmark plans to provide to their CHIP beneficiaries, the dental benefits included in the House-passed bill; a benefit package equivalent to the federal employee health plan dental benefit that covers the most children; a benefit package equivalent to the State employee dental plan that covers the most children; or a benefit package equivalent to the most popular commercial dental plan that covers the most children.

As my colleagues are aware, I have a long record of advocating for better dental care for children. It alleviates so many health problems in the future.

In fact, in 2000, I introduced the Early Childhood Oral Health Improvement Act, which created grant programs to improve the oral health of children under 6 years of age. This bill was included in the Children's Health Act which was signed into law on October 17, 2000.

So, I know how important dental health is for children.

At the same time, it is fair to say that I have been concerned about mandating that States provide dental coverage for two basic reasons.

First, the inherent nature of CHIP, and a primary reason it could be enacted in a Republican-led Congress, is that it was a State block grant.

Mandates move us away from that important framework.

Second, the dental coverage that some advocated be included in this bill is more generous than most private-sector policies. Thus, including such coverage would be a giant incentive for crowd-out, that is, dropping private coverage in order to seek a more generous public coverage.

Ten years ago we called it substitution. Today, we call it crowd out. But it is the same thing.

I will not sugar coat it. It is a problem. It is a concern. And, we should take every step we can to keep it from occurring.

I think the dental policy we adopted was a good compromise, and I appreciate my colleagues agreeing to my suggestion for this coverage.

Our legislation also limits the Federal matching rate that States will receive for covering individuals with family incomes over 300 percent of FPL in their CHIP plans.

It clarifies the Administration's policy on crowd-out and provides States with guidance on how to ensure that their low-income children are covered through the CHIP plan before expanding coverage to higher income children.

Another key element of this bill is that it provides States with funds for outreach and enrollment.

It gives States a time-limited option to speed up enrollment in CHIP and Medicaid by using eligibility information from designated express lane agencies.

The bill gives States the option of verifying citizenship for both Medicaid and CHIP by submitting names and Social Security numbers to the Commissioner of Social Security.

It creates a new quality initiative through the Secretary of Health and Human Services, in consultation with the States, to develop evidence-based pediatric quality measures in order to evaluate the quality of care for children.

I introduced legislation to develop pediatric quality measures with Senators BAYH and LINCOLN and much of our bill is incorporated in this bipartisan compromise legislation.

The proposal includes mental health parity in the state CHIP programs so that if a State offers mental health coverage in its CHIP plan, it must be on par with limits for medical and surgical services.

Senator GORDON SMITH has done a stellar job bringing awareness about the need for mental health benefits for children and this provision is modeled after legislation that he introduced with Senator JOHN KERRY of Massachusetts.

At this point, I would also like to refute some of the inaccurate statements that I have heard the last few days regarding our bill.

First, some have alleged that our bill allows the Federal Government to continue covering childless adults and parents through CHIP.

Our bill puts the emphasis back on low-income, uninsured children. Simply put, our bill puts an immediate stop to States being granted future waivers to cover nonpregnant adults. In fact, the provisions included in the Senate-passed CHIP bill were included in the compromise, bipartisan CHIP bill.

At the beginning of fiscal year 2009, States will receive lower Federal matching rates for childless adults and

in fiscal year 2010, childless adults will not be covered under CHIP, they will be transitioned into Medicaid.

At the beginning of fiscal year 2010, only States with significant outreach efforts for low-income uninsured children will receive enhanced match rates for parents; others will receive the lower Medicaid match rate FMAP for adults.

Starting in fiscal year 2011, all States will receive a lower Federal match rate for parents. Those States covering more lower income kids or with significant outreach efforts will receive a Federal matching rate for parents covered under CHIP which is a midpoint between the Federal CHIP matching rate and the lower Medicaid matching rate. Other States will receive the lower Medicaid Federal matching rate, known as FMAP, for CHIP parents. Simply put, beginning in fiscal year 2011, States will no longer receive the higher CHIP matching rate for covering parents.

Second, some criticize our bill and say it allows higher income children to be covered under the CHIP program.

Today, States may receive an enhanced Federal matching rate for their CHIP program through waivers for all income levels. Our bill discourages States from covering higher income individuals in the CHIP program.

After enactment of our bill, States with new waivers approved to cover those with family incomes over 300 percent of FPL would only receive the lower FMAP payment for these higher income individuals.

In addition, States that cover individuals with incomes over 300 percent of FPL in their CHIP plans will have to submit a State plan to the HHS Secretary to show how it is addressing crowd-out for higher income children covered under CHIP.

The State plan must be approved by the HHS Secretary before October 1, 2010; otherwise, the State will no longer receive Federal matching dollars for covering those over 300 percent of FPL in their CHIP plans.

Third, some say our bill makes CHIP an entitlement program and almost doubles the Federal dollars spent on CHIP over the last 10 years.

CHIP is not an entitlement program, it is a capped, block grant program, where States are given flexibility to cover their low-income, uninsured children.

I admit that it works so well, nobody wants to abolish it, including the President and most everyone in this body. As to its cost, as I noted earlier, the 6 million children who are already covered by CHIP were easier to find that the current 6 million, low-income, uninsured children under 200 percent of FPL.

CBO has explained it is much more expensive to find these uncovered children. That is why our bill gives States bonus payments for enrolling them. I hope their prediction does not prove true. If it doesn't, we will save money in the program. But if their prediction does prove true, there is still no excuse for enrolling these kids.

I also believe it is important to note that, according to the Centers for Medicare and Medicaid Services, in 2005, we spent a total $1.98 trillion on our Nation's health care system.

Private expenditures were $1.08 trillion and Federal spending was $900 billion.

Total Medicare spending was $342 billion in 2005 and Medicaid was $177 billion in Federal dollars.

Our bill today funds CHIP at $60 billion over five years—a fraction of the cost to provide care for low-income, uninsured children. Covering these children is worth every cent.

Another common criticism is the myth that our bill allows States to cover children from families with annual incomes of $83,000.

I have addressed this before, but it bears repeating.

Our bill neither prevents, nor requires, States' coverage of families at higher income levels. Only the Secretary of Health and Human Services decides whether a State may cover families with incomes up to $83,000 per year under their State CHIP program, not Congress.

Many have suggested, in error, that our bill allows illegal immigrants to be covered under CHIP.

In fact, during the House debate, I heard some state incorrectly that our bill provides benefits to illegal immigrants and opens the door for CHIP and Medicaid benefits for illegal immigrants by substantially weakening a requirement that persons applying for such services show proof of citizenship.

Nothing could be further from the truth.

In fact, our legislation has specific language stating that no illegal immigrants will be covered under CHIP.

For those who still don't believe me, it can be found under section 605, entitled No Federal Funding for Illegal Aliens.

Let me just read what it says: ''Nothing in this Act allows Federal payment for individuals who are not legal residents.''

Finally, much has been said about the Centers for Medicare and Medicaid Services' recent guidance on crowd out.

I will include for the RECORD a letter dated August 17, 2007, to the State Medicaid Directors from Dennis Smith, the director of the Center for Medicaid and State Operations for CMS.

The purpose of this letter was to give the State Medicaid Directors guidance on how CMS will review state plan amendments or waivers to raise income eligibility limits under the CHIP program in the future.

In this letter, CMS made it perfectly clear that the agency was very concerned about crowd-out and wanted States to target low-income, uninsured children under 200 percent of poverty before covering higher income children under CHIP.

So in order for States to cover higher income children, CMS made it clear that States must cover 95 percent of their children under 200 percent of poverty before expanding coverage to higher income children.

While I agree with the thrust of what the administration intended to achieve, I am not certain what Mr. Smith asks the States to do can be achieved.

States have told us it is virtually impossible for them to determine how many of those low-income children are currently covered.

Currently, good, solid data on the uninsured simply do not exist. So it is almost impossible to find good, solid numbers on the uninsured. On top of that, currently, States do not have to report income data to CMS.

Therefore, we knew that it would be impossible for States to determine how many low-income, uninsured children live in their States and whether or not those children were receiving health coverage.

We heard the States and we addressed their valid concerns in the bill by requiring that two studies will be conducted to study crowdout and figure out what States are doing to successfully cover low-income, uninsured children. Once the data are available, States covering individuals over 300 percent of poverty in their CHIP plans must submit to the HHS Secretary their plans for covering low-income children and reducing crowdout. If its plan is not approved by a certain date, a state would no longer receive CHIP money for covering those over 300 percent FPL with limited exception. To me, that sends a very clear message to all 50 States about the intention of the CHIP program—to cover low-income, uninsured children.

Let me conclude by emphasizing to my colleagues that passing this legislation is the right thing to do.

When we first wrote CHIP in 1997, our goal was to cover the several million children who had no health insurance coverage. These children were in a no-win situation—their family incomes were too high to qualify for Medicaid, but their families did not have enough money to purchase private health insurance.

When Senator KENNEDY, Senator Chafee, Senator ROCKEFELLER and I worked on the original legislation in 1997, our goal was to cover the several million children who had no health insurance.

Coverage of these uninsured children is still our top priority, and I believe our bipartisan CHIP bill will make a dramatic difference by covering almost 4 million additional low-income children.

The bill we are considering is very similar to the Senate-passed CHIP bill and captures the true essence of the 1997 law.

It is the true essence of bipartisan compromise.

To be fair, it does not make any of us Republicans comfortable to face a veto threat from our President.

It does not make me comfortable to face a veto threat issued by my colleague and good friend from Utah, Secretary Leavitt.

However, as Senator KENNEDY and I have been fond of saying to each other over the years, if neither side is totally comfortable, we must have done a good job.

This is a good bill. It accomplishes what we have set out to do—to cover low-income children without health coverage.

Yes, I admit, it is expensive. However, this is necessary spending when I think of the 6 million American children who are leading healthier lives because of our vision and commitment.

And when I compare $60 billion to the trillions of dollars our Government will spend on health care, I believe it is a worthwhile benefit.

We should not let the opportunity pass us by to build on that solid foundation and do even better for the children, our future.

I will add one more point that I want my Republican colleagues to take to heart. This is a bipartisan compromise bill. It is not the House-passed CHIP bill that would spend $75 billion over the next 5 years on CHIP.

In my opinion, the $50 billion CHIP legislation before the Senate is the better deal for the low-income children and the American people. It is my hope that my colleagues who disagree with me will take one more look at this legislation.

On the House side, I would like to recognize the hard work of my House colleagues: Energy and Commerce Committee Chairman JOHN DINGELL; House Energy and Commerce Health Subcommittee Chairman FRANK PALLONE; House Ways and Means Committee Chairman CHARLIE RANGEL; House Committee on Oversight and Reform Chairman HENRY WAXMAN; and of course, the Speaker of the House, NANCY PELOSI.

I also want to commend my Utah Governor, Jon Huntsman, Jr., for his continued support of legislation to reauthorize the CHIP program. In April, Governor Huntsman presented me with a proclamation expressing his and the Utah State Legislature's strong support for the CHIP program, which I greatly appreciated. In fact, Governor Huntsman and his staff have provided me with invaluable advice throughout this process. Utah's program, which covers 25,095 children, provides well-child exams; immunizations; doctor visits; hospital and emergency care; prescriptions; hearing and eye exams; mental health services; and dental care.

Finally, I must commend my good friends and colleagues from the Senate: Finance Committee Chairman MAX BAUCUS; Ranking Republican Member CHUCK GRASSLEY; Finance Health Subcommittee Chairman JAY ROCKEFELLER; and the Senate Majority Leader HARRY REID.

I would also like to mention all of the staff who put many hours into this bill and gave up time with their families to work on this bill—Pattie DeLoatche, Patricia Knight, Karen LaMontagne, Peter Carr, Jared Whitley, Hanns Kuttner, Becky Shipp, Rodney Whitlock, Mark Hayes, Alice Weiss, Michelle Easton, David Schwartz, Jocelyn Moore, Ellen Doneski, Ruth Ernst, Kate Leone, Bridgett Taylor, Amy Hall, Bobby Clark, Karen Nelson, Andy Schneider, Wendell Primus, Ed Grossman and Jessica Shapiro.

I would be remiss if I didn't mention some of the staff who laid the groundwork on the original CHIP law in 1997, particularly Patricia Knight, Rob Foreman, Bruce Artim, Nick Littlefield, David Nexon, Laurie Rubiner, Lisa Layman, Michael Iskowitz, Cybele Bjorklund and Mary Ella Payne.

Mr. President, I remember so vividly 10 years ago when Senator KENNEDY and I stood on this floor to argue for enactment of SCHIP. We had two posters.

We had one of a little boy named Joey.

And we had one of Joe Camel, the mascot for one manufacturer of cigarettes.

We asked our colleagues, whom do you support? Joe Camel or Joey?

It is somewhat ironic, even amazing, or even more—a reflection of history repeating itself—that I stand here today to pose the same question to my colleagues.

Whom do you support: Joe Camel or Joey?

Joey? He's now almost 20.

The Camel? Haven't seen him for a while, have we?

So, we are making progress.

But there is much to do.

This bill represents the congressional commitment to one of the most important goals we can strive for: a healthy population.

We must start with the kids, and that is what H.R. 976 does.

I would like to close by reading an excerpt from a letter written by Karen Henage, the parent of children are covered by the Utah CHIP program. Kim Henage writes, ''I firmly believe the CHIP Program gave our family the financial assistance and more so the emotional security (peace of mind) to survive our new start, so that we were able to make it make it through. We are a success story because of this assistance. I cannot express in mere words how much this meant to us. When we needed it, it was there for us. I wholeheartedly request your support of the continuation of this valuable program, that other families might survive as we did.''

I think Kim's letter says it all—we must pass this bill today so more families without health insurance will be able to become a CHIP success story like the Henages.

I ask unanimous consent to print the above-referenced letter from CMS in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH & HUMAN SERVICES,
Baltimore, MD, August 17, 2007.

DEAR STATE HEALTH OFFICIAL: This letter clarifies how the Centers for Medicare & Medicaid Services (CMS) applies existing statutory and regulatory requirements in reviewing State requests to extend eligibility under the State Children's Health Insurance Program (SCHIP) to children in families with effective family income levels above 250 percent of the Federal poverty level (FPL). These requirements ensure that extension of eligibility to children at these higher effective income levels do not interfere with the effective and efficient provision of child health assistance coordinated with other sources of health benefits coverage to the core SCHIP population of uninsured targeted low income children.

Section 2101(a) of the Social Security Act describes the purpose of the SCHIP statute ''to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage.'' Section 2102(b)(3)(C) of the Act, and implementing regulations at 42 CFR Part 457, Subpart H, require that State child health plans include procedures to ensure that SCHIP coverage does not substitute for coverage under group health plans (known as ''crowd-out'' procedures). In addition section 2102(c) of the Act requires that State child health plans include procedures for outreach and coordination with other public and private health insurance programs.

Existing regulations at 42 CFR. 457.805 provide that States must have ''reasonable procedures'' to prevent substitution of public SCHIP coverage for private coverage. In issuing these regulations, CMS indicated that, for States that expand eligibility above an effective level of 250 percent of the FPL, these reasonable crowd-out procedures would include identifying specific strategies to prevent substitution. Over time, States have adopted one or more of the following five crowd-out strategies: Imposing waiting periods between dropping private coverage and enrollment; imposing cost sharing in approximation to the cost of private coverage; monitoring health insurance status at time of application; verifying family insurance status through insurance databases; and/or preventing employers from changing dependent coverage policies that would favor a shift to public coverage.

As CMS has developed more experience and information from the operation of SCHIP programs, it has become clear that the potential for crowd-out is greater for higher income beneficiaries. Therefore, we are clarifying that the reasonable procedures adopted by States to prevent crowd-out pursuant to 42 CFR. 457.805 should include the above five general crowd-out strategies with certain important components. As a result, we will expect that, for States that expand eligibility above an effective level of 250 percent of the FPL, the specific crowd-out strategies identified in the State child health plan to include all five of the above crowd-out strategies, which incorporate the following components as part of those strategies: The cost sharing requirement under the State plan compared to the cost sharing required by competing private plans must not be more favorable to the public plan by more than one percent of the family income, unless the public plan's cost sharing is set at the five percent family cap; the State must establish a minimum of a one year period of

uninsurance for individuals prior to receiving coverage; and monitoring and verification must include information regarding coverage provided by a noncustodial parent.

In addition, to ensure that expansion to higher income populations does not interfere with the effective and efficient provision of child health assistance coordinated with other sources of health benefits coverage, and to prevent substitution of SCHIP coverage for coverage under group health plans, we will ask for such a State to make the following assurances: Assurance that the State has enrolled at least 95 percent of the children in the State below 200 percent of the FPL who are eligible for either SCHIP or Medicaid (including a description of the steps the State takes to enroll these eligible children); assurance that the number of children in the target population insured through private employers has not decreased by more than two percentage points over the prior five year period; and assurance that the State is current with all reporting requirements in SCHIP and Medicaid and reports on a monthly basis data relating to the crowd-out requirements.

We will continue to review all State monitoring plans, including those States whose upper eligibility levels are below an effective level of 250 percent of the FPL, to determine whether the monitoring plans are being followed and whether the crowd-out procedures specified in the SCHIP state plans are reasonable and effective in preventing crowd-out.

CMS will apply this review strategy to SCHIP state plans and section 1115 demonstration waivers that include SCHIP populations, and will work with States that currently provide services to children with effective family incomes over 250 percent of the FPL. We expect affected States to amend their SCHIP state plan (or 1115 demonstration) in accordance with this review strategy within 12 months, or CMS may pursue corrective action. We would not expect any effect on current enrollees from this review strategy, and anticipate that the entire program will be strengthened by the focus on effective and efficient operation of the program for the core uninsured targeted low-income population. We appreciate your efforts and share your goal of providing health care to low-income, uninsured children through title XXI.

If you have questions regarding this guidance, please contact Ms. Jean Sheil, Director, Family and Children's Health Programs.

Sincerely,

DENNIS G. SMITH,
Director, Center for Medicaid and State Operations.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend the Senator from Utah for his remarks today, for his work on this bill, his work many months ago when this work began in the Senate, and for his leadership 10 years ago in 1997, when at that time, as today, we had bipartisan agreement on children's health insurance. I commend him and his colleague, Senator GRASSLEY.

On the Democratic side we have a lot of great leaders: Senator JAY ROCKEFELLER and Senator MAX BAUCUS, working mightily with Senator KENNEDY and so many others to get this done. We still have a long way to go. We know we had a resounding 69 votes in the Senate today, but we still have one impediment to getting this done. That impediment is the President of the United States.

I want to talk about some numbers today, but I want to focus initially on the benefits of this program. We are going to continue to have debates within this body and with the President about this issue. I will get to that. But let's step back for a minute and think about what this program means to one single child or what it means to one single family. Here is what it means. I come from Pennsylvania. We have some big cities in Pennsylvania: obviously, Pittsburgh and Philadelphia. But what if this child is born in a rural area. I come from a State where a huge percentage of our population is, in statistical categories, considered rural. The breadth of Pennsylvania, right through the middle of the State, out toward western Pennsylvania, we have a lot of people who live in rural areas. We know the benefits of this program help a lot of our children in cities and towns and also in rural areas. In fact, one-third of rural children get their health care from Medicaid or the Children's Health Insurance Program.

We also know a lot of African-American and Latino children have benefited tremendously in the 10 years this has been part of our law. Let's think about those children. No matter where they live, let's think about what this means to them. It means they can get well-child visits to the doctor during a year. The experts tell us you need at least six of those in your first year of life to be healthy. We ought to make sure every child in America can have six well-child visits in a year, but millions don't get that.

What happens to that child? That child would not grow. Their brains and cognitive development would not proceed as it should. They can't learn as fast. They can't read as quickly. They don't do as well in school. Down the road when they become part of the workforce, they have been short-changed, if we don't do our job. It also means immunizations in the dawn of their lives and all of the preventative care a child should receive.

We should be doing everything we can in this body, not just with children's health insurance but with early learning opportunities and other programs we have to help our children to do a number of things, but principally to make sure children are healthy enough to learn. We know if they learn more in the dawn of their lives, they will earn more down the road. We have to make those investments. I don't see this as just a program, something that we are giving to people.

That is not what it is. The distinguished Senator from Utah said a couple moments ago, this is a capped block grant program and a good investment in that child and his or her future. But it is also an investment in our economic future. We can do a lot with this program to help families. But let's think about a mother. What does every mother want for their child, especially when they are very young? They want to nurture the child. They want to make sure the child has some kind of health care, has nutrition, and they want to shower that child with all the love and care a mother can provide.

One of the benefits to reauthorizing this program and getting the job done is that we can help a mother as she is trying to provide everything she can for her child, whether she lives in a farming community in central Pennsylvania or whether she lives in one of our towns in Pennsylvania or across the country or whether she lives in the inner city. Make no mistake, this comes down to a very simple question—maybe a couple, but one basic question—which is, does the President want to cover 10 million American children? There is only one answer to that question, only one answer we can justify. There is only one answer for which we can go back to our States and say we did the right thing. That answer is, absolutely, the President should want to cover 10 million American children because if he vetoes this and his point of view prevails, 10 million children will not have health insurance. By signing this legislation we are about to send to him, he can make sure 10 million American children have health insurance.

What upsets me about the President—I have been very critical of him, and I will continue to be so when it is warranted—is not just his position on this issue, not just his threat of a veto—that is bad enough. What upsets me and a lot of Americans, frankly, is the President had month after month after month to come to the Congress and say: I think we should have a $5 billion increase over 5 years. That is what he says. There is an overwhelming consensus now in the Congress that it should be a $35 billion increase. When you consider it over 5 years, that is only a billion a year. We spend $7 billion a year on a lot of things. But let's consider what he said. If he was going to take that position all those months ago, why didn't he come to the Congress? If health care for children is such a priority, why didn't he come to the Congress and say: We are far apart. The Congress is at $35 billion, and I am at $5 billion. We will work together.

He didn't do that. He just laid down his number and then he began, frankly, to misrepresent the facts. That has made this argument an unfortunate episode in the debate.

I have another question for the President. The question about 10 million children is very important, but I have a question for the President. What is the choice you are making? You are saying on the one hand, Mr. President, that 10 million American children should not have health insurance at the same time that in 2000 we will give away $100 billion to wealthy Americans. Is that right? I don't think so. That is immoral in my judgment, to give $100 billion to wealthy Americans

and say children who could benefit from this program, 4 million more, that they don't get health insurance.

It is equally immoral when the President of the United States and every Senator and every House Member gets their health insurance paid for. Yet some people say: No, we are going to wait on those children. Those 4 million children will have to wait, even though every Senator gets health care and this President gets health care every day of the week. I think that is immoral. He should recognize that.

This is about numbers and budgets and a program. We will talk about that a lot. That is important. I can justify every one of those numbers. OK. I know a lot about cutting out waste and fraud. I did that for 10 years in State government. I know that subject very well.

But this is a program that works. We have had a 10-year experiment with it, and it works, and everyone here knows that. It works very well to make sure we cover our children. All these other arguments about why we should not do it comes down to politics. The people who are supporting the President on this should answer the questions I posed.

Why shouldn't 10 million children get health care? Why do you get health care in the Senate and those children do not get health care, according to your point of view? They should answer that question when they are supporting this President. Why should every Member of the Senate get health care and these 4 million children—plus the 6.5 million or so we can cover—why shouldn't they get health care? Why should millionaires and multimillionaires and billionaires get tax cuts in 2008 and 2009 and on into the future and these children should not have health insurance?

So when you come to the floor to talk about this program, and when the President goes on television and preaches to us about why we should not do that, I hope you would be honest enough—I hope the President and every Member of this body would have the integrity to stand up and justify why 10 million kids should not have health insurance, why they, as a Member of the Senate, should have their health care paid for, and why all those wealthy Americans should get their tax cut—tens of billions this year—and these kids should not have health insurance.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leaders of this bill for the time to speak.

I am kind of flabbergasted at the last talk. I am one of the physicians in this country who has cared for kids on Medicaid. I have actually delivered over 2,000 babies on Medicaid. I have actually done well-child exams.

We have the Senate lecturing the President, and we should be lecturing ourselves. The debate on this bill is not about children. There is not anybody in the Senate who does not want to cover and continue the present SCHIP.

What this debate is about is how do we move toward national health care. That is what this debate is. So immoral? Is it immoral to spend $3,000 to buy $1,500 worth of care, like we are going to do in this bill? Is it immoral for the Senate to say it only costs $35 billion and then totally take a program that is costing $12 billion a year 5 years from now and cut it down to $700 million and say we met the budget rules, when in fact we did not? That is immoral. What about the children who are going to pay for the deficit associated with this bill?

I have actually cared for these kids. My practice has been a Medicaid-based practice and a SCHIP-based practice. The holier-than-thou attitude that if you oppose this bill, you do not care about children is completely disrespectful to those of us who happen to disagree, who maybe think a better way to cover children would be the Burr-Corker bill, which gives a tax credit to every kid in this country that covers enough to give them insurance and takes that Medicaid stamp off their head, since only 40 percent of the doctors in this country will cover SCHIP kids and Medicaid kids.

So the debate is not about the President being immoral. It is not about tax cuts. The real immoral fact of this bill is we are winking and nodding again to the American people that we are going to spend $121 billion over the next 10 years—not $60 billion over the next 5 years—$121 billion, and we have no way to pay for that. We had a $444 billion deficit last year. We could have paid for the war and decreased the deficit if this body would have had the courage to eliminate duplicative and fraudulent programs. There is no holier-than-thou attitude to go after those programs because they have an interest. As politicians, we do not want to upset anybody.

So it is easy—the greatest pleasure in the world is to spend somebody else's money and to claim it is in the name of children. I have been on the ground with children. I have taken care of the poorest of the poor. We have a pregnancy component in this bill. Title 19 now is at 300 percent of the poverty level in this country. We have people dropping their insurance to qualify for title 19. We do not need pregnancy covered in the SCHIP bill. It is already covered. But we claim that to rationalize to make the bill better.

I have no disrespect for people in this body who claim they want national health care, government-run national health care. Well, American public—guess what—if you think health care is expensive now, wait till it is free. Wait till it is free. That is exactly what we are doing with this bill.

We can reauthorize SCHIP, and we can make it higher than a $5 billion increase to truly cover those kids who need it. This body rejected an insurance contribution component amendment I offered that would actually expand further the number of kids.

The other point that is not being made is, for every kid you cover who does not have health insurance today, you are going to drop another kid from health insurance that is being paid for by their parents, and they are getting no benefit in terms of a reduction of their health insurance. So what we are doing is shifting taxes to those same parents to pay for a program, twice as much money for the benefit we will get for the kids.

I am not against well-child exams. I am not against immunizations. I give them out of my pocket of my own practice now for free. They cost me an average of $146 a kid.

The claim of superiority that somehow if you do not want to have this bill you do not care for children is gobbledygook. What about the kids in the future who are going to pay for the mistakes we are making? What about the kids who are born today who owe $400,000 on our unfunded liabilities? We have done that. If we care so much about kids, why aren't we fixing that problem? They are never going to get a college education or own a home, and they are never going to have health coverage because we will have bankrupt this country by the way we do not control how we spend money.

So to be lectured and lecturing the President because, finally, he is exhibiting some fiscal responsibility into the future, and us to play games on the true cost of this program, that is what is immoral. It is not the President being immoral. The fact is it is not our money, it is the money of the people of this country, and we are going to decide we are going to spend money and not tell them what it is really going to cost because that is what this bill does in the outyears, the 6th through the 11th year of this bill if we cut this program to $700 million a year.

Now, nobody in their right mind will honestly say we are going to let that happen. So if we are not going to let that happen, how about being honest with the American people about the true cost of what we are doing? It is $121 billion. It is not $60 billion. Even the staff admits that. Both the Democratic and Republican staff admit that.

For us to sit up here and claim it is only a $35 billion increase—well, only a $35 billion increase is a 120-percent increase in the program, just a 120-percent increase in the program.

We ought to have a debate about national health care and how we solve the problems of health care in this country. There is a way to solve it. It is to make sure everybody in this country has access and give them the freedom and the power to choose what is best for them rather than us tell them what they have to have. That is the debate we ought to have.

This is a farce. This debate is a farce. It is a farce about saying we want to

cover more children, when we are really taking children who are already covered and putting them under a government program and then charging those children's kids for the cost of the program. That is what we are doing. It is not about caring for kids. It is about lying to the American public about what this program does.

So I do not have any hard feelings about the fact that people want to have national health care and a government-run program, but let's have the debate about what it really is and not have a debate demeaning the President when he finally stands up and says we have an obligation, for the next few generations, to start doing it right, and finally he is starting to do it right. And now we are saying he is immoral. Of the 10 million kids, 5 million already have coverage. We are going to ask the American taxpayer—in spite of what we are doing, in spite of the fact we borrowed $434 billion—we are going to load that on them.

They already have coverage. They already have immunization. They already have well-child care, and we are going to add that cost to the American taxpayer. Do you know who that taxpayer is? That is that child's child because we are not going to pay for it. We are going to refuse to be responsible. We played the game of pay-go on this, the great pay-go rule, where we now bastardize our own ethics to say we paid for something, knowing we did not. Because nobody in this body believes this is going to go to $700 million 5 years from now. Nobody believes that. Everybody knows that. So everybody knows we are telling an untruth to the American people about the true cost of this program.

I care a ton about my patients. But I also care enough about this country to be able to speak the truth about what we are doing. And what we are doing is absolutely untruthful in how we characterize the spending on this program. You can debate that. I will debate that all day with anybody up here. This body knows I know our numbers, and the numbers on this bill are untruthful.

So what we ought to say is, we think we ought to expand the SCHIP program, and it costs $121 billion. Let's have a debate about what it really costs. That is why the President says we should not do it. And we should not go to 300 percent, and we should not have adults on a program where in many States it consumes 75 percent of the dollars.

I will readily grant you, we have a big problem with health care in this country. One of the major reasons we have a big problem with health care in this country is government-run health care programs that drive the cost and the overutilization in many areas where we cannot function properly.

What is happening today in our country with quality of care is because we have so much government run. We have physicians trying to see too many patients. The one thing we are taught in medical school is, if you will listen to your patients, they will tell you what is wrong. Right now, 8 percent of the cost of health care in this country is associated with tests we order that no patient needs. It is because this body will not look at the malpractice situation we have in this country and the liability situation and fix it to where it truly represents a system where people who are injured are taken care of. What we have is a system that games it. So consequently we are all paying 8 percent more for health care because providers have to order tests to cover their backside.

The other thing we know is another 3 percent of the cost of health care is associated with tests that doctors are ordering because they are not listening well—$50 billion worth of tests that people do not need because we will not take the time to listen to them.

I will summarize and finish my point with this: Washington has an 11-percent approval rating for a very good reason. Because we do not deserve to be trusted, because we do exactly what we are doing on this bill. We are lying to the American people about what it costs, who it will cover, and how it will be delivered.

Now, some other details of the bill are debatable, but those facts are not debatable, and the American people, hopefully soon, are going to wake up to the dishonesty and the farce that we perpetrate on them as we debate those issues.

Let's have a debate about national health care. Let's really debate it. Let's look at the options. Our bill, in several other places—the Burr-Corker bill, the Universal Health Care Choice and Access Act—gives everybody in this country an equal tax credit. Everybody gets treated the same. You want to punish the millionaires? Take away some of their tremendous excess tax benefits from health care. But we would not do that. We do not have one person who will come forward and say: Let's equalize the Tax Code on the other side. Let's equalize the Tax Code so everybody has the same shot. Let's let a market help us access that. Let's make sure it is 100 percent access. If you do not have access, you cannot have care.

This bill is not going to provide that much access. Fifty percent of what it does has to do with people who already have access. Those are not my numbers. Those are Congressional Budget Office numbers.

So let's be honest about what we are doing. Let's talk about health care. If we want to go to national health care, if we have the votes to do it, then let's do it. But let's do not, under the guise of helping children, expand national health care. This Senator will vote to reauthorize a higher level of funding for SCHIP to cover kids who are truly poor—those who don't have access. I will help anytime, any way to do that. That has been my practice. That has been my heritage. That has been my history in caring for poor folks in Oklahoma. But I am not about to go along with a lie, that what we are doing is something different than what we say we are doing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

VETO THREATS

Mr. BYRD. Mr. President, with 3 days to go before the start of the new fiscal year, there is much inside-the-beltway chatter about continuing resolutions, omnibuses, minibuses, budget showdowns, and Government shutdowns.

Nowhere is that chatter louder than that which is coming from the other end of Pennsylvania Avenue. The President has threatened almost daily that he will veto any appropriations bill that exceeds his budget request. These veto threats include all of the spending bills that provide funding for our domestic programs—programs that, in one way or another, benefit each American and every American. These bills help to educate our children, help to secure our homeland, help to support rural America, and help to promote a competitive economy. These domestic spending bills provide the essential building blocks for the foundation of our great country.

On the one hand, the President is seeking over $190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan. That is $190 billion for the cost of the wars for 1 year—1 year—1 year. At the same time, the President wants to veto critical domestic spending bills because they total $22 billion above his, the President's, budget request—less than 1 percent of our entire budget, and about what we spend in 2 months' time fighting an unpopular war in Iraq. All the chatter from the White House even asserts that the $22 billion for programs here in America means increasing taxes and putting America's economic growth at risk.

This, of course, begs the question of the economic impact of the almost $450 billion we have spent on the war in Iraq, a war which I oppose.

The President characterizes the $22 billion above his request as ''increased'' spending. In fact, $19 billion of the $22 billion ''increase'' simply represents restorations of the President's—the President's—the President's relentless attempts to savage important domestic initiatives.

This week, the FBI announced that violent crime is on the rise for the second straight year. Yet the President proposes to cut State and local law enforcement funding by $1.5 billion.

Hurricane Katrina proved that the Government is not prepared to handle major disasters, be they natural disasters or terrorist attacks. Yet the President—our President—has proposed to cut first responder grants by $1.2 billion. Those grants equip and train our police, our fire and emergency medical personnel to respond to a disaster.

The President—our President—proposes over $3 billion in cuts for education programs, including special education, safe and drug-free schools, and improving teacher quality.

Despite an aging population in this country, the President proposes a cut of $279 million for studying cancer, diabetes, and heart disease at the National Institutes of Health. Under the President's budget, the National Institutes of Health would have to eliminate 700 research grants that could lead to cures for treatments for cancer, diabetes, Alzheimer's, and other diseases.

The President also proposes to cut $2.7 billion for elderly and disabled housing and community development grants.

When the Interstate 35 bridge collapsed into the Mississippi River, it focused the Nation on the need to invest in our crumbling infrastructure. Yet the President proposes to cut over $3 billion from infrastructure programs, such as highway and transit funding, bridge repairs, rural wastewater grants, levees and dams, clean water grants, and airport safety and improvements. The President—our President—even proposes to reduce funding for the highway and transit levels that are guaranteed in the highway law that he, the President—our President—signed in 2005.

The President proposed cuts of $1 billion from health programs such as rural health, preventive health, and mental health grants, as well as over $300 million from the Low-Income Home Energy Assistance Program.

Between 1998 and 2004, disease outbreaks in food produce have almost doubled. In 2003, there were 870 food inspectors at the FDA. In 2006, there were 640. The FDA lost 230 inspectors in less than 4 years. So it is no surprise food inspection dropped by nearly half during that time. Yet the President—our President—does not propose to restore those reductions in the number of inspectors.

All of these foolish cuts have been restored in the bipartisan bills that were approved by the Senate Appropriations Committee by nearly unanimous votes and, regrettably, that the President—our President—has said he will veto. In the 12 bills that have been reported from the committee, we have significantly reduced funding used for congressionally directed spending, and we have added unprecedented transparency and accountability.

As one can clearly see, this White House standoff is not over some irresponsible plan for an expansion of Government or pork-barrel projects. Rather, it is the President's—our President's—effort to prevent cancellation of his ill-conceived and poorly justified proposed budget cuts. Congress wants to support vital core missions of Government, such as the Federal Emergency Management Agency, the Food and Drug Administration, and the Customs and Border Protection Agency. Congress wants to make reasonable choices and set important priorities for our Nation.

There are consequences—yes, consequences—for failing to invest in America's safety and in America's future. Hurricane Katrina proved that. The collapse of the I–35 bridge proved that. Increases in violent crime prove that. Increases in food-borne illnesses prove that. Every headline about unsafe products being imported into this country proves that.

Americans rightly expect their Government to work.

Regrettably, rather than recognizing the consequences of his budget, the President—our President—is spoiling for a political fight. He refuses to recognize the facts, even as those facts evolve in a changing world.

According to the administration's latest National Intelligence Estimate:

> We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the United States.

Yet the President threatens to veto the Homeland Security bill that passed the Senate 89 to 4 because it is $2.2 billion above his request, with increases for first responder grants, for border security, and for enforcing our immigration laws.

The President—our President—is determined to veto 8 of our 12 appropriations bills over $22 billion. Some have argued that $22 billion is not a lot of money. I don't share that view; $22 billion is a lot of money. That is why we are fighting for the additional funding above the President's inadequate request. This fight is about priorities.

This Congress passed a budget resolution that balances the budget by 2012 and provides for the increase above the President's request for domestic programs.

Consistent with the budget resolution, the Appropriations Committee has reported all 12 bills. Four have passed the Senate, and with passage of the continuing resolution, we will continue to press for passage of the remaining bills. The President's veto threats inevitably—yes, the President's veto threats inevitably slow this process.

In the 12 bills that have been reported by the Appropriations Committee, we invest the $22 billion in America's future. By comparison:

In fiscal year 2008, the total cost of President Bush's tax cuts is $252 billion—11 times the amount of spending in question.

In fiscal year 2008, the cost of the tax cuts for the wealthiest 1 percent of taxpayers is almost $70 billion—three times the amount of spending in question.

In fiscal year 2008, special interest tax expenditures will cost $1 trillion—45 times the amount of spending in question. Corporate tax expenditures will cost $91 billion—over four times the amount of spending in question.

So $22 billion is, in fact, a lot of money; money that, if well spent, can help to make America be a safer, healthier, more prosperous country. We are committed to making those careful choices. We will root out waste. We will cut or eliminate ineffective programs. We will make careful choices.

When President Bush came to town almost 7 years ago, he vowed to reach across the aisle for the common good of our Nation. Now is his chance. This is the President's chance to make good on that pledge. He can continue his purely partisan fight over $22 billion in needed spending, or the President can work with the Congress to confront problems that face Americans here at home.

It is my fervent hope the President will put away his veto pen so we can get on with the business of adequately funding programs that contribute to a safe and prosperous United States of America.

God bless America always.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today, as I did when we started this whole debate on children's health insurance, on behalf of the Nation's children and working families. I wasn't intending to come to the floor, but as I have listened to the debate over the last several days, I am amazed we have to defend a program that I cannot believe actually needs defending.

Today, we rise to protect the Nation's children. In this great Chamber, I often hear Members say our children are our greatest asset, and they most certainly are, but they are also our most fragile asset. And nothing is more important in preserving that asset than preserving their health so they can fulfill their God-given potential.

The issue before us today is a matter of values. It is not just about a law or about a program, it is also about a matter of values. Do we value our children sufficiently to ensure that those who otherwise do not have the ability to insure themselves will have the ability to have health care coverage so no child in America goes to sleep at night worried that they not get ill because their parents cannot afford to take care of them? That is the issue before the Senate, the issue before the country, and the issue that will be before the President.

If our values match our action, then this bill needs to be passed by the Senate and signed into law by the President.

This is common sense to me. The bill before us today will keep 6 million children insured and will cover an additional 4 million children who presently go to sleep at night and, because they have no health care coverage, their parents worry over them; and if they get ill, what happens? They wait longer and their illness gets worse. What do they do? They go to an emergency

room, which is far more costly to their lives, as well as to our collective economic consequence. The deal the Senate has before it is to save children's lives and keep children healthy. Bottom line: It is a deal that will keep millions of American children and families from being pushed into the ranks of the uninsured.

I find it interesting that my colleagues talk about fiscal responsibility—now we are going to be fiscally responsible—when we have supplementals that keep coming here without payment for them and without any limitation whatsoever—a blank check. But now we are going to be fiscally responsible on the backs of children.

I want to take a moment to look at the families who are actually affected by the Children's Health Insurance Program. We are not talking about the poor, because if you are poor in this country, you get Medicaid. If you are wealthy, of course, you have the wherewithal to pay for the insurance. We are talking about children whose families work in some of the toughest jobs this country has. They work at jobs that offer no health care, and they certainly don't make enough money to afford private health care coverage. This program is their last resort. I have been watching the floor this week and I have noticed that my State of New Jersey has quite unfairly become the punching bag by some Members of this body for our successful Children's Health Insurance Program. On behalf of New Jersey families, I simply cannot let that go unnoticed. On behalf of the families that the opponents of this legislation say don't deserve to have a doctor or receive medical attention, I am insulted. On behalf of children who are asking for an eyeglass to see a blackboard or get an immunization shot to ward off illness, I am offended.

I will tell you about one of these families in Keyport, NJ. They earn just over $50,000 a year and they have a 16-year-old daughter. They cannot afford private health insurance coverage in New Jersey, but through the Children's Health Insurance Program they can provide their daughter with the much needed health care—health care that protected her when she came down with a flu that would not go away, and care that provides relief to her parents, who don't have to worry about medical bills if their child gets sick.

Even on New Jersey FamilyCare they pay a premium of $74 a month because they are higher on the Federal poverty level. But that is far less than private insurance would cost them, which they could not possibly afford on that $50,000 income for that family of three.

Talking about premiums, let me take a moment to talk about families at 350 percent of the Federal poverty level in New Jersey, since that is a particular point of contention in this debate. Families at 350 percent of the Federal poverty level in New Jersey earn about $60,000 for a family of three. These families, under New Jersey FamilyCare, are paying $125 each month in premiums and between $5 and $35 in copays. It is not a free ride. In fact, most federally elected officials, including my colleagues in the Senate, pay about $190 each month in premiums for their family coverage and their earnings are well above 350 percent of the Federal poverty level. It is hard to see how it is OK for Members of this body but it is not OK for children in this country.

If the President made the decision, it seems he would say ''tough luck'' to these families, ''go ahead and roll the dice on your daughter's health care.'' That is not an action that I think is dignified by a compassionate conservative. The President doesn't want to cover families above 200 percent of the Federal poverty level—this child and so many others like her. I believe that is disgraceful and it should be embarrassing to even threaten a veto of this bill.

Here is my question to those who oppose this bill: Is the greatest Nation on the Earth going to permit its children to have no health coverage?

The President gets some of the best health care coverage in the world, paid by the taxpayers of this country. He can go, as Members of this body can, to Bethesda Naval Hospital, or Walter Reed, or, in the case of the Members of this body, to the Capitol doctor. That is subsidized by the taxpayer. Talk about socialized medicine. It is good enough for Members of this Chamber but not for these children. The President gets the best health care coverage in the world. He deserves to have it, but so do the children of this country.

When you think about using your veto pen, Mr. President, think about your health care coverage that we all pay for as taxpayers. Do these children deserve less?

In New Jersey there are 130,000 children depending on this program for their health coverage. They, along with 6 million children nationwide, depend on this program to stay healthy and, in some cases, stay alive. Proper coverage is often the difference between life and death, between health and sickness, between compassion and heartlessness.

I urge my colleagues to act wisely as this is not a political game, nor is it time to make a point. This is about one thing only: the health of our Nation's children.

What troubles me is that the President is prepared to turn his back and close the doors but, simply put, if his priorities were different, we could provide health care to all children in this country. If we were to take what we spend in Iraq in one day—$300 million—and spend that on children's health care, we could cover 245,000 children. In the past 41 days, we have spent over $12 billion on the war, and what changed in Iraq during that time? But I can tell you what we can do in the lives of children in this country.

Finally, I bristle when colleagues come to this floor and still bring up the red herring of immigrant children being covered who should not have the right. The law has been clear—the law that exists, the law we are renewing. Undocumented immigrants have never—I underline ''never''—been eligible for regular Medicaid or the Children's Health Insurance Program. This bill maintains that prohibition. It maintains that. So to continue to come to the floor and bring the bogeyman of those who are coming because they want the health care coverage that this program would provide, it is not permitted under the law, has not been, and is not under this law, and won't be under this law.

I will tell you what is incredibly remarkable. During the immigration debate, we heard a great deal that we should differentiate between those who follow law and the rules and came here legally, and did the right thing and are living legally as permanent residents of the United States versus those who do not. Guess what. We don't even cover the children of those legal permanent residents of the United States who have obeyed the law, followed the rules, and ultimately are working hard in our country. Many of them, by the way—over 70,000—are serving in the Armed Forces of the United States. So to say that children are getting covered who are not legal and who are not permitted under the law, that is outrageous. This bill doesn't do it, but we should cover those children of legal permanent residents who have obeyed the law and the rules and are contributing to our society. But we don't do that either. So I hope we stop using children, whether they be those who cannot afford, because of their status in life and because of their parents' hard work but they don't make enough money, to have insurance and ultimately don't get it at their workplace, or those children who, through no fault of their own, find themselves in this country but who are not covered under this provision anyhow under the law—stop using all of these images to try to undermine the very essence of what this bill is all about.

You either stand with children in this country who, through no fault of their own, have no health care coverage whatsoever, or you stand against them. You stand for the proposition that no child in America should go to sleep at night without health care coverage; you stand for the proposition that it is in the societal interest of this country to ensure that the greatest asset we always talk about, our children—they are also the most fragile asset—can be protected; you stand for the proposition that in this great country of ours, among the high and mighty here, who have great health care coverage, well over 350 percent of the Federal poverty level, that we deserve no more than children in this country do.

That is what this debate and vote is all about.

Before I close, there is one part of this bill that is missing and it leaves

this entire bill and mission to increase children's health care unfulfilled. And that is the lack of language to provide health care for legal immigrant children and pregnant women in this bill.

I am a proud cosponsor of the bipartisan Legal Immigrant Chidren's Health Improvement Act, also known as ICHIA, which would have repealed the morally objectionable law that prohibits new legal immigrants from accessing Medicaid and SCHIP until they have lived in the United States for 5 years. This bill today should have included a provision that would have given States the flexibility to provide coverage to this population.

I am proud of my home State of New Jersey. They have taken it upon themselves to use 100 percent State funds to cover over 8,000 legal immigrant pregnant women and children—at a cost of over $22 million. My State has temporarily fixed the problem but it is up to Congress to pass the solution into law.

How can you tell a 7-year-old child with an ear infection he has to wait 5 years to see a doctor? We cannot bar these families from accessing our health care system simply because they haven't lived here long enough.

During the immigration debate, our colleagues emphasized the difference between those here legally and those here illegally, so it is appalling to me that a legal immigrant child, whose family waited their time, came here legally and obeyed the law, are still subject to republican criticism and are denied health care.

These fully legal, taxpaying pregnant women and their children deserve to be covered under our children's health program. I am disheartened that we could not agree to include this language but you have my promise that I will work to pass ICHIA in coming months. This is not a question of if but a question of when it will pass.

In conclusion, a great Republican, Abe Lincoln, once said:

> A child is a person who is going to carry on what you have started. They are going to sit where you are sitting, and when you are gone; attend to those things, which you think are important. The fate of humanity is in their hands. So it might be well to pay them some attention.

I ask my colleagues to now pay attention to our children and support this important bill. I ask this for our children, for our families and for the well-being of our country.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to talk about the Children's Health Insurance Program, known as SCHIP. In Kentucky, it is known as KCHIP.

Several weeks ago, the Senate debated a bill that would reauthorize this program. Now we are debating a bill that looks very much like the last bill. I did not support the Senate-passed bill and, unfortunately, I cannot support this version presently on the floor.

The tobacco tax funding mechanism is an irresponsible way to pay for children's health care. The increased tax is fundamentally unfair, particularly to my State and the States that surround Kentucky.

It pays for a government program intended for low-income kids—one that I support and continue to support—by raising taxes. The bill expands its coverage to middle-income adults and some illegal immigrants in other States. It redistributes income from low-income smokers to States with the highest per capita incomes. It could be called Robin Hood in reverse.

I have a chart that illustrates what this bill really does. It is compiled from data drawn from a CDC database on tobacco consumption and projections by Family USA concerning SCHIP spending.

As we can see, the States in red will pay more in tobacco tax over the next 5 years than they will receive. In my State of Kentucky, we will pay $602 million more in tobacco taxes than we will receive in SCHIP money under the same 5 years.

Virginians, our good friends from Virginia, will pay $576 million more, and the citizens of Florida, our good friends down in the panhandle, will pay $703 million more than they receive.

California, our good friends out on the left coast, will receive a net benefit—in other words, more than they pay—of $2.5 billion. How fair is this?

New taxes paid by low-income smokers in my State will go to pay for an extravagant expansion of SCHIP in California, New York, Texas, and all the States in light and dark green, and that includes New Jersey, New Mexico, Arizona, California, New York, and many others.

Many people predict that the new Federal tobacco tax needed to pay for this expansion of SCHIP is likely to cause the States to increase their own tax cigarette taxes to avoid State revenue shortfalls. This will lead to artificially high-priced cigarettes that are irresistible targets for foreign cigarette counterfeiters and bootleggers in the United States.

This is not just somebody's dream. There is new evidence of the absolute folly of this plan to increase tobacco taxes by over 150 percent. We will not see the revenue projected, but you can be sure organized crime will profit from this situation.

In August of this year, the New York Police Department and Federal authorities found 600,000 cartons of counterfeit cigarettes made in China in a warehouse in Queens. In the same raid, the NYPD found 125,000 phony revenue stamps. The counterfeiters planned to use these phony stamps to evade taxes in Virginia, New York, and Kentucky, passing them off as real stamps so that cigarettes can be sold in ordinary stores.

This was not an isolated incident. There are many other similar incidents of fake cigarettes in the United States from countries such as China and Russia.

If you are concerned about lead in toys made in China, you should also be concerned about this SCHIP bill because it will almost certainly expose smokers, including some children, to the toxic substance in counterfeit Chinese and Russian cigarettes.

According to an article last week in the New York Times, chemical studies of counterfeit cigarettes have shown that they contain high levels of lead. Unlike the lead paint on toys, this lead will certainly be consumed by smokers. It is much more dangerous. So much for improving health care.

In addition to all the other problems, this new tax is a poor foundation for the proposed expansion of SCHIP. We are matching a declining source of revenue with a growing Federal program. It doesn't make any fiscal sense.

If we were honest and truly wanted to fully fund SCHIP spending with a tobacco tax, the Federal Government would have to encourage people to smoke. As a matter of fact, the Federal Government would possibly need an additional 22.4 million smokers by the year 2017 to pay for this bill.

Expanding SCHIP to cover adults, as well as kids, will lead to even more tax increases in future years because no one will pay these tobacco taxes if smuggled cigarettes and cigarettes from Internet Web sites are freely available.

I also don't believe this bill focuses on those who need health care insurance the most. When richer families are made eligible for SCHIP, kids will move from private coverage to Government health care. In fact, the Congressional Budget Office tells us that this bill will result in 2 million children moving off private coverage. It is absurd to me that children above the 300 percent poverty level will be added to this program.

New York still has the possibility of covering families that will make over $82,000 a year. It is not a fact, it is a possibility. These are families paying AMT taxes, a tax which is supposedly only affecting the wealthy. This expansion of the bill is a push for Government-funded national health care which is not the original intent of SCHIP.

The way the bill is funded also should raise great concerns to anyone if they care about fiscal responsibility. The budget gimmick used to fund it is irresponsible. It jeopardizes coverage under the program and basically guarantees another tax increase 5 years from today or when we pass this bill.

Under the bill, SCHIP spending from 2008 to 2012 totals over $27 billion. However, for 2013, spending drops to $2.3 billion and falls to negative amounts in each year after that until 2017, representing projected cuts—I say that again, projected cuts—to the SCHIP program.

So what we have here is a 10-year tax for a 5-year program. Does anybody really think we will kick millions of kids off this program in 2013 to accommodate this lowered spending? Of course we won't. However, we will have

to find a new way to pay for it. If a private company ran its books like this, the CEO would be fired or end up in the big house, in jail.

Another stunning example of how this bill undermines the original purpose of SCHIP is that it makes it easier for illegal aliens to get health care intended for poor children. This bill guts existing protections put in place to stop illegal immigrants from getting taxpayer-funded SCHIP and Medicaid benefits. Earlier this year, we spent nearly a month debating immigration reform. This bill is a step backwards, and it certainly sends the wrong message. It takes money that is supposed to go to our poor children and gives it to others who have come to this country illegally.

Let me make it clear that I want to see the SCHIP program continued as it is, and I want to see it reauthorized. However, I want to see it done responsibly. This bill does not do that. So I must oppose it and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise for a few moments because I know there are other people in this Chamber who have worked for many years on this bill who wish to speak. Senator KENNEDY is here. I wish to take a few moments to rebut what was said about a half an hour ago. Our colleague from Oklahoma was making some arguments, and I want to rebut some of them. I know this has been a long debate, but it is important.

He and others have made the claim about government-run health insurance over and over, and I think that is a White House talking point. I understand where they get the line. This is a program which uses private insurance carriers to provide the services especially to do the administration. So that argument really does not make a lot of sense.

Secondly, he talked about shifting costs and people paying more taxes. It is very clear, just as the argument of our colleague from Kentucky made clear, that the increase in this program, the $35 billion to cover 4 million more children, comes from tobacco tax increases. We can have debates about whether it is right or wrong, but most people in America support an increase in the tobacco tax to pay for this legislation. We are not talking about an income tax or any other kind of tax.

Thirdly, fiscal responsibility. We heard people talk about that issue today. No one on this side of the aisle needs a lecture from that side of the aisle or anywhere else about fiscal responsibility. This administration is the administration that brought us to a $9 trillion debt level and huge deficits. I think that is disingenuous.

I want to read a quotation from a recognized expert from MIT, Professor Jonathan Gruber, on private versus public:

> I have undertaken a number of analyses to compare public sector costs of public sector expansions such as SCHIP to alternatives such as tax credits. I find that the public sector provides much more insurance coverage at a much lower cost under SCHIP than these alternatives. Tax subsidies mostly operate to ''buy out the base'' of insured without providing much new coverage.

That quote is from a recognized expert.

We heard discussions about the cost over 5 years. This is a 5-year reauthorization. The cost is not, as it was alleged before, some lie. The cost over 5 years is very simple: $25 billion is in the program now. We want to add $35 billion, so it is a $60 billion cost over 5 years. It makes all the sense in the world to spend $12 billion a year on health insurance when billionaires get $100 million in 1 year, or I should say over $200,000 of income. They get $100 million a year if they make that kind of money.

My last point is, he and others talked about this being a debate about national health insurance. We can have that debate. We agreed on that. That is one thing we all agree on, both sides of the aisle. We should have a debate about health insurance. This is not national health insurance. This is not the debate about health insurance generally. This is a very focused debate about whether the President of the United States is in favor of providing health care for 10 million children and whether he is going to make that commitment. It is very simple. If you are supporting the President, then you are supporting a policy which will lead to the failure of this country to provide health care for 10 million children, and that would be a terrible mistake for those kids, for their communities, but especially, over the long term, for our economic future. We can't compete around the world unless our kids are healthy and they learn more now and earn more in the future.

Mr. AKAKA. Mr. President, I support the Children's Health Insurance Program Reauthorization Act of 2007.

The Children's Health Insurance Program is a successful program that has improved the quality of life for our Nation's children. According to the Center on Budget and Policy Priorities, the Children's Health Insurance Program has reduced the number of uninsured children by one-third since its enactment in 1997.

The Children's Health Insurance Program Reauthorization Act will preserve the access of health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. It will also expand health care access to an estimated 4 million children.

An estimated 5 percent of children in Hawaii do not have health insurance. This is approximately 16,000 children. My home State of Hawaii has continued to develop innovative programs to increase access to health insurance. The Hawaii State Legislature established the Keiki Care Program this year. The Keiki Care Program is a public-private partnership intended to make sure that every child in Hawaii has access to health care.

It would be irresponsible to reduce Federal resources to States for children's health care. Without access to insurance, children will not be able to learn, be active, and grow into healthy adults.

I greatly appreciate the inclusion of a provision to restore Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee. Medicaid DSH payments are designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients.

I developed this provision as an amendment with my colleagues, Senators ALEXANDER, INOUYE, and CORKER. I am proud that we were able to have this bipartisan amendment included in the Children's Health Insurance Program Reauthorization Act. Hawaii would be provided with a $10 million Medicaid DSH allotment for fiscal year 2008. For fiscal year 2009 and beyond, Hawaii's allotment would increase with annual inflation updates just like other low DSH States.

We must enact this legislation so that Hawaii and Tennessee can receive Medicaid DSH allotments in fiscal year 2008 and beyond. In The Tax Relief and Health Care Act of 2006, DSH allotments were provided for Hawaii and Tennessee for 2007. The act included $10 million for a Hawaii Medicaid DSH allotment. The Hawaii State Legislature enacted legislation to provide the necessary matching funds required to utilize the Federal resources.

Hawaii and Tennessee are the only two States that do not have DSH allotments. I will explain some of the history behind the lack of the DSH allotment for Hawaii and why it is so important that this legislation be enacted. The Balanced Budget Act of 1997, BBA, created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. Again, States without allotments were left out.

Hawaii and Tennessee should be treated like other extremely low DSH

States and be provided with Medicaid DSH allotments every year. Other States that have obtained waivers similar to Hawaii's have retained their DSH allotments.

Hospitals in Hawaii are struggling to meet the elevated demands placed on them by the increasing number of uninsured people. DSH payments will help Hawaii hospitals meet the rising health care needs of our communities and reinforce our health care safety net. All States need to have access to resources to ensure that hospitals can continue to provide services for uninsured and low-income residents.

The President's expected veto of this legislation is detrimental to the health of our Nation's children. It also will be very harmful to Hawaii. The resources necessary to ensure that children have access to health care.

This administration fails to understand the health care needs of the country and especially Hawaii. This legislation will help the State of Hawaii provide essential health care access to children that currently lack health insurance. It will also provide much needed assistance to our hospitals that care for Medicaid beneficiaries and uninsured patients.

Mr. LEVIN. Mr. President, I strongly support the Children's Health Insurance Program Reauthorization Act of 2007, a bipartisan bill that would provide health care insurance to millions of children who are not now covered.

I hope the President will reconsider his position and sign the bipartisan compromise when it reaches his desk.

Currently, 6.6 million children are enrolled in CHIP. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. In Michigan, while 55,000 children are covered under CHIP, 90,000 Michigan children are currently eligible for Medicaid or MIChild, Michigan's CHIP program, but are not receiving services. In addition, according to the Robert Wood Johnson Foundation, the recent decline in employer-sponsored health care coverage is threatening the access to private health care coverage for many more children. In fact, the Census Bureau has reported that, between 2004–2006, the number of uninsured children has increased by approximately one million children.

Although the existing CHIP has been successful, it still fails to address the problem fully. Too many children qualify for the program but are unable to receive insurance because of inadequate funding.

Much like the Senate bill to reauthorize this successful children's health program, the bill we will pass today will reauthorize CHIP and increase funding for the program by $35 billion over 5 years. The Children's Health Insurance Program Reauthorization Act of 2007, a compromise worked out between the House and Senate, would ensure that there is sufficient funding to cover the children currently enrolled and to expand the program to additional children in need.

The Congressional Budget Office estimates that 3.8 million uninsured children would gain health coverage under this plan and according to a study done by The Urban Institute, 80 percent of the children covered under CHIP will come from families under 200 percent of the Federal poverty level.

We have a moral obligation to provide Americans access to affordable and high quality health care. No person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

Mr. DOMENICI. Mr. President, I rise today in support of the Children's Health Insurance Program Reauthorization Act of 2007, H.R. 976. Reauthorizing the State Children's Health Insurance Program, SCHIP, before it expires is critical to ensure health care access for millions of our Nation's children.

My home State of New Mexico has a terrible problem with uninsured children. Recent reports have New Mexico at the bottom in the Nation for coverage of children. In 1997, while I was chairman of the Senate Budget Committee, I helped to create SCHIP as part of the Balanced Budget Act. The program has been a success. Over the past decade, SCHIP has helped reduce the number of children without insurance.

The bill we are voting on today is a compromise. In August, both the House and the Senate passed two very different versions of an SCHIP reauthorization. At that time, I came down to the floor and I said I did not like what the House of Representatives was doing. I did not support the massive increases in spending and eligibility proposed by the House and I did not want a reauthorization that included revisions to the Medicare Program. The conference committee listened to these concerns, and I am pleased that the bill before us today closely resembles the SCHIP bill passed by the Senate 68–31 in August.

My comment to children's health care remains firm today. I support the passage of the compromise SCHIP reauthorization. It is a good bill. It provides $35 billion in new resources to provide health coverage for millions more children in working families. It will strengthen outreach and enrollment efforts to make sure that all children who are eligible for the program get the services they need. It also makes improvements to the program by including language on mental health parity and dental health coverage.

Mr. JOHNSON. Mr. President, I rise today to express my support for legislation that is critically important to more than 6 million children in the United States, including more than 14,000 South Dakota children, who are covered by the State Children's Health Insurance Program, or CHIP.

I voted for this program when Congress created it 10 years ago and I have watched with great satisfaction as the number of uninsured children in our country dropped. More children have health insurance coverage today, which ensures that they have every chance to do their best in school and live long, healthy, productive lives.

Congress originally authorized this program for 10 years in order to provide an opportunity to evaluate the program and make sure that we are doing right by our children. Well, the studies are in with impressive results: while the number of uninsured adults has steadily risen since CHIP was enacted, the number of uninsured low-income children has dropped by nearly one-third.

Yet there is much more work to do. In my State alone, more than 12,000 children are eligible for health coverage through either Medicaid or CHIP but remain uninsured. These uninsured children don't receive their vaccinations, miss screening and other preventive measures, and access health care at much later stages of their illnesses than insured children. The fact that so many children, through no fault of their own, face these struggles with health care is something about which our Nation should be ashamed.

The President says he will veto this bill, which he calls ''an incremental step toward the goal of government-run health care for every American.'' Nothing could be further from the truth. If the President's plan of providing private health insurance worked, we wouldn't have 9 million uninsured children in the United States today, including 18,000 South Dakota children. But the bottom line, as an editorial in one South Dakota newspaper put it, is this:

> The uninsured children of families struggling to get by do not need lectures about the encroachment of socialized medicine or the virtues of personal responsibility. They need health coverage.

During the past 9 months, I have received a personal lesson in the great value of health insurance. Our Nation's children shouldn't have to learn this lesson the hard way. I urge my colleagues to support the Children's Health Insurance Program Reauthorization Act, and I hope the President will do right by our Nation's children and sign this bill into law.

Mrs. BOXER. Mr. President, I rise today to continue my support for the reauthorization of the Children's Health Insurance Program—an essential effort to ensure the health of our Nation's children. Since the inception of this program, I have agreed with the goals of this program and strongly believe that it is necessary to meet our responsibilities and fulfill our commitment to children.

Although I wholeheartedly support the compromise agreement on the reauthorization of this program, it is exactly that: a compromise.

For the past 10 years, the Children's Health Insurance Program has helped

provide health care for millions of children from working families that do not qualify for Medicaid, but can't afford private insurance. These are the children of working families whose companies do not offer health insurance to their employees.

As the cost of health insurance rises and an increasing number of employers are unable or unwilling to provide health insurance to their employees and their families, the number of families who do not have health insurance has continued to rise.

While the number of the uninsured continues to rise, the percentage of low-income children without health insurance has dropped more than one-third since the creation of the Children's Health Insurance Program.

Currently the Children's Health Insurance Program provides coverage for 6.6 million children nationwide. This reauthorization would provide health care coverage for an additional 3.2 million children who are uninsured today. In California, an estimated 250,000 children will be added.

The Children's Health Insurance Program has always enjoyed the bipartisan support of our Congress, our Governors, and our President—and the legislation we are voting on today reflects that spirit of cooperation.

I am glad to see that we have worked with many of our Republican colleagues on an issue so critical to the health of children across this Nation.

This bipartisan, bicameral agreement is largely based on the legislation passed by the Senate in July, which would fund outreach and enrollment efforts, allow States to use information from food stamp programs and other initiatives for low-income families to find and enroll eligible children, and give States the option to cover pregnant women for prenatal care vital to healthy newborn children.

In desperation and defiance, opponents of the Children's Health Insurance Program have made outrageous allegations maligning the effectiveness and success of this program.

Critics have claimed that this program extends to eligibility to wealthy families in America—this could not be further from the truth. In my own State of California, the average family income of children covered by this program is just 163 percent of the Federal poverty level—less than $34,000 a year for a family of four.

There have been claims that Children's Health Insurance funding goes to illegal immigrants—this is completely false. The reality is that undocumented immigrants have never been eligible for Medicaid or the Children's Health Insurance Program. Actually, there are restrictions within this program which deny health insurance to low-income children who are legal immigrants.

The President is spending $10 billion each month in Iraq, but has threatened to veto a bill that will provide 10 million children with access to health care. Under the President's proposal, he is willing to fund the Children's Health Insurance Program with an increase of $1 billion a year—the cost of 3 days in Iraq.

If we fail to renew this program or if the President vetoes this bill as he has threatened to do, it is the children who will pay the price.

As we near the September 30 deadline to reauthorize this program, I strongly urge and implore that the President reconsider his position on this bill. The need of children knows no partisan or political barriers, and should not have to overcome the obstacles created by the President.

There is not a man or woman in this chamber who wouldn't do everything within their power to ensure the health of their own children—we should do no less for the children of our Nation.

The Members of this Congress have overwhelmingly expressed a commitment to children's health. Earlier this year, we passed a budget resolution which set aside $50 billion for the Children's Health Insurance Program, reaffirming our commitment to the continued success of this program.

We can still do more and we will, but this bill is a step forward in the right direction.

I would like to thank Senators BAUCUS and ROCKEFELLER, Senators GRASSLEY and HATCH and the members of the Finance Committee who worked so tirelessly to bring this legislation forward in a bipartisan way, and keep the focus of this bill where it should be—on the children.

Mr. FEINGOLD. Mr. President, today we are voting on the reauthorization of a program that has wide support in our country and that has reduced the number of uninsured children nationwide by over 6 million. In fact, CHIP has helped lower the rate of noninsurance among low-income children by one-third since its enactment in 1997. That is a huge accomplishment, and has helped address a problem in our country that is unacceptable—the millions of uninsured families.

In my home State of Wisconsin, CHIP, known as BadgerCare, provides health insurance for over 67,000 families. Wisconsin has done an incredible job of covering uninsured children as well as their parents, and the positive effects of this program are felt at schools, in the workforce, and at home. This bill helps support Wisconsin's efforts and provides low-income families in my State with better access to preventive care, primary care, and affordable care. The end result is healthier families. BadgerCare is vital to the well-being of many families in Wisconsin and I am very pleased that this bill supports the program in my State, including Wisconsin's choice to cover parents of CHIP and Medicaid children.

We know from numerous reports that when we cover parents, we bring more uninsured children into the program as well. States like Wisconsin have proven time and again that covering parents means covering more kids. I worked hard with my colleagues and the Senate Finance Committee to make sure that Wisconsin could keep families in the CHIP program, and I am very pleased that those efforts have paid off.

This legislation is not perfect. I would like to be voting on a more expansive package today that would offer health care access to more children and families. I am very disappointed that this legislation does not include language that would allow access to the program for legal immigrants. Unfortunately, it appears that, because of Republican opposition to this policy, legal immigrant children will continue to have to wait five years before they become eligible for CHIP and Medicaid. I will do my best to help change the discriminatory policy in the future.

Despite the flaws in this legislation, the CHIP reauthorization bill marks an important step forward in getting coverage to those who need it. I will support this bill's final passage, and I hope the President will reconsider his ill-advised decision to veto it. I look forward to the day that everyone in our country has access to the basic right of health care.

Mr. DODD. Mr. President, I rise today in strong support of H.R. 976, the Small Business Tax Relief Act. This is a bipartisan agreement to do what is right for our nation's children. There are few more important issues facing the senate than the health and well-being of our Nation's youth. The vote to pass this legislation is a vote for children.

As the father of two young daughters, I keenly understand how important it is to know that if one of them gets sick they have the health insurance coverage that will provide for them. For millions of parents, every slight sniffle or aching tooth could mean the difference between paying the rent and paying for medical care. Today we have an opportunity to help give those parents peace of mind about their children's health.

It is our national shame that 9 million children wake up every day lacking any form of health insurance. Every day, this means millions of regular checkups are sidelined, dental exams go unscheduled, and early diagnoses of chronic conditions such as asthma or diabetes are postponed. For families, such delays set the stage for children to grow up underperforming in school, developing preventable or treatable conditions, or worse, permanent disability or even premature death.

The lack of health insurance causes more than poor health outcomes. Access to affordable health care is essential to alleviating child poverty. Low-income families without insurance often get stuck in an endless cycle of medical debt, a primary cause of bankruptcy filings in this country. Parents already struggling to make ends meet

should not have to choose between providing their children needed medications and putting a roof over their heads or food on their table.

I commend the chairman and ranking member of the Finance Committee for working so hard with our colleagues in the House of Representatives to put together a bill that will benefit the lives of millions of children and their families. Their leadership over the years, and that of Senators HATCH, ROCKEFELLER, KENNEDY and many others, helped create the Children's Health Insurance Program, CHIP, and reduce the number of uninsured children by one-third. Their persistence now to expand this bill in the face of considerable opposition shows their commitment to children's health. This bill is a tremendous investment in the health and future of our children.

Specifically, the bill continues providing coverage for 6.6 million children currently enrolled in CHIP and provides coverage for 3.1 million children who are currently uninsured today. It gives States the resources they need to keep up with the growing numbers of uninsured children. It provides tools and incentives to cover children who have fallen through the cracks of current programs. And it will prevent the President from unfairly and shortsightedly limiting States' efforts to expand their CHIP programs to cover even more children. All together these efforts will reduce the number of uninsured children by one third over the next 5 years.

In my own State of Connecticut, our CHIP program, commonly known as HUSKY B, has brought affordable health insurance to more than 130,000 children in working families since its inception in 1998. H.R. 976 is essential to States like Connecticut so that they may continue to operate programs like HUSKY B and build on their proven success to insure even more children.

I am additionally very pleased that my Support for Injured Servicemembers Act amendment was included in the final SCHIP bill. This amendment provides up to 6 months of Family and Medical Leave Act, FMLA, leave for family members of military personnel who suffer from a combat-related injury or illness. FMLA currently allows three months of unpaid leave. Fourteen years ago, FMLA declared the principle that workers should never be forced to choose between the jobs they need and the families they love.

If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries but most of all, they deserve the care of their closest loved ones. That is exactly what is offered in the Support for Injured Servicemembers Act.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort through the President's Commission on Care for America's Returning Wounded Warriors. It's not surprising that the Commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring. According to the Commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. Last week in a hearing of the Subcommittee on Workforce Protections, we heard from one of those families and there are thousands more to be heard. The House is moving forward with companion legislation and I am grateful to my colleagues Congresswoman WOOLSEY and Chairman MILLER and their cosponsors.

I am pleased that Senator CLINTON is the lead cosponsor of my amendment. In addition, I am pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this amendment. I thank Senator BAUCUS and Senator GRASSLEY for accepting this important amendment and appreciate the support of all of my colleagues in this effort.

I am troubled by the comments by President Bush and members of his administration about this bill. This legislation is vital to the health and well being of our children. The CHIP program is a model of success and this bill provides sustainable and predictable health care coverage for low income children regardless of their health status. It represents the hard work and agreement of an overwhelming majority of Members on both sides of the aisle. It is a testament to how important issues like children's health care can be addressed in a bipartisan manner by a united Congress. The President's policy of block and delay would mean Connecticut and other States would have to take away existing health coverage for hundreds of thousands of children when they should be covering more kids.

But despite the bipartisan agreement of this Congress, the President threatens to veto this legislation. If he does, all Americans will know whether the President stands for children or would rather stand in the way of children's access to critically needed health care.

I urge my colleagues to support this critical legislation and I urge President Bush to do what is right and sign it into law.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than $50 billion in outlays for SCHIP over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008–S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

In billions of dollars	
Section 101.	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,022.051
FY 2009	2,121.498
FY 2010	2,176.937
FY 2011	2,357.666
FY 2012	2,495.044
(1)(B) Change in Federal Revenues:	
FY 2007	–4.366
FY 2008	–28.745
FY 2009	14.572
FY 2010	13.216
FY 2011	–36.884
FY 2012	–102.052
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,504.975
FY 2009	2,523.486
FY 2010	2,579.022
FY 2011	2,697.385
FY 2012	2,734.795
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,469.884
FY 2009	2,570.685
FY 2010	2,607.628
FY 2011	2,703.144
FY 2012	2,716.346

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

In millions of dollars	
Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	9,098
FY 2008 Outlays	2,412
FY 2008–2012 Budget Authority	47,678
FY 2008–2012 Outlays	34,907
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,003

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

In millions of dollars	
FY 2008 Outlays	1,082,326
FY 2008–2012 Budget Authority	6,065,057
FY 2008–2012 Outlays	6,056,617

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague from North Carolina for extending the courtesy of my being able to proceed. We have been moving back and forth. I understand there is 20 minutes left for the Democrats, and the Senator from Pennsylvania has taken 5; am I correct? How much time remains?

The PRESIDING OFFICER. Fifteen and a half minutes remains.

Mr. KENNEDY. I yield myself 7 minutes, and I ask the Chair to remind me when there is 1 minute left.

Mr. President, I think this debate over the course of the day has been enormously constructive. I think the American people have been watching it, and they have a much clearer idea about the alternatives that are before us. They should know by this time that when all is said and done, this program, the SCHIP program, was fashioned to try to look after the working poor, recognizing that Medicaid dealt with the very poor but that the working poor were finding increasing pressure and were, in increasing numbers, unable to get any kind of health insurance. That was basically the targeted area.

As we reviewed earlier in the course of the discussion, this was basically a State-run program. Using the private sector, it has guidelines as to what the health care coverage should be in various areas, but the States make those judgments and decisions—quite a bit different from Medicaid. So the origin of it, having listened to some of this debate, it is important to note this is very different from other kinds of Federal programs but not greatly dissimilar from what the President has indicated that he supported in the prescription drug program. It was initially using the cigarette tax money that was a part of the settlement earlier, where we were using it, and therefore the relationship with the increase in the cigarette tax at the present time.

Now, Mr. President, I only have a few minutes here, and we have gone through these charts about how this is covering 6 million and we expect that to go to 10 million. We have also reviewed the fact that when we look at the comparison with adults and children, we can see under this program that uncovered children have gone down dramatically and the adults have gone up. So this has been an extraordinary success. CBO has indicated this is the best way. If we are interested in covering children, CBO has indicated this is the way.

The point I wish to make in the time I have remaining is that when all is said and done, when we vote—and we are going to vote in just a little while—the American families ought to realize a very important fact; that is, every single Member of the Senate, with the exception of one, has comprehensive health care and our children are all covered. Understand that, America? All of our children are covered. All of our children are covered. The next thing to know, Mr. And Mrs. America, your taxpayer money is paying for 72 percent of our health care coverage cost. Do we understand that now?

For those who are saying: Well, I am not going to support this because it costs too much; I am not going to support this because it may be 300 percent of poverty, we get paid $160,000. We are well above the 200, the 300, the 400 percent of poverty level. Yet we are going to have Members on the floor of the Senate this afternoon who are going to turn thumbs down to American families who are watching this debate and knowing that our premiums, our health insurance is being paid for by the American taxpayers. I wonder how people do that. I wonder how they do it. You would think, if they are so offended about Federal Government spending or a Federal Government program, they wouldn't use it themselves. But, no, they do. They will take it. But when it comes to looking out for working families, there are going to be many in this Chamber who will say: No, we are not going to look out for working families. You can go ahead and pay for mine—I get my children covered—but we don't think the Federal Government ought to be tampering with this issue. We don't think the Federal Government ought to be looking into whether it is going to have a program to provide coverage for the sons and daughters of working families who cannot afford a $10,000 health insurance program that would cover themselves and their families although the taxpayers are paying for ours.

Mr. President, this is extraordinary hypocrisy we are about to see here on the floor of the Senate. How can people in good faith do this and still accept the Federal Government help? How can they be complaining all afternoon about a Federal Government program and then have a better Federal program paying for their own—paying for their own. It is just hypocrisy of the greatest sort, and I think that is something that is important.

The most important point has been mentioned eloquently by many of my colleagues; that is, the importance of covering those children. The most important point is that too many parents will cry themselves to sleep tonight wondering whether their child is $200 sick because they may have to go to the emergency room. That is the heart of this.

Before we all get worked up, Mr. President, it is important to note what the financial bottom line on this is too. What has been pointed out over the course of the past days, again, is the question of priorities. We see in this chart here what we are talking about—priorities. That is what this vote is. Do we want to say we can cover, for 1 day in Iraq at a cost of $300 million, 246,000 children; for 1 week in Iraq at $2.5 billion, 1.7 million children; or for 41 days at a cost of $12.2 billion, 10 million kids?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. Mr. President, this is a choice. There are those who want to continue the ongoing flow of resources to Iraq when we have asked our military to do everything they could, and they have done it with great valor, and yet still the Iraqi politicians cannot get it together. They are holding American service men and women hostage—hostage. The blood of American servicemen is flowing in Baghdad, and this is wrong.

This is an issue of priorities. I believe we ought to invest in the children, and I think we have benefited enough here in the Senate from our own largess from the Federal taxpayers in terms of supporting ourselves that we should be ashamed if we cannot see the responsibility we have to look after children of working families in this country.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, it is my understanding I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURR. I would ask the Chair to notify me when I have 2 minutes remaining.

Mr. President, I heard my good friend from Massachusetts talk about the Federal system. Let me take a minute to talk about the Federal system.

I have been here for 13 years. The coverage I have is less and the cost is more than when I was in the private sector working for a company with 50 employees, but I accept that.

Last year, I learned something new, though. When my oldest son became 22, I got a notice that under the Federal plan he automatically falls off our insurance. Well, it happens for every Federal employee, but what was my experience? That is what I wish to share with you.

I called to find out what the Federal Government had negotiated so that my child could have health insurance. They said the exact same coverage would now be $5,400 for that individual—a 22-year-old college student, healthy as a bull. I decided I would go to North Carolina and I would negotiate to see if I couldn't find similar coverage. Not only could I find similar coverage, but I found the same coverage, and I found it with the same company. I now pay $1,500 a year for the same coverage with the same company my son was covered by under the Federal health care plan. Now, here is

the glaring difference. From a standpoint of my insurance, the Federal Government still pays the same amount and I still pay the same amount. When you take a healthy person off insurance, the premium doesn't go down.

So for the 6 million kids who are targeted in SCHIP expansion—and everybody agrees 3 million are uninsured and 3 million are currently insured—I don't want anybody to walk away and believe we are reducing the premium cost of the families who are currently privately insuring these kids. As a matter of fact, the CBO statistics prove exactly what happened with my son, in the fact that we will now transition to a private sector program for him. For those 3 million SCHIP kids, we could access health care coverage for an average of $1,130 a year. But in this legislation, it says we will be paying $3,950 a year for the same level of coverage for those kids. We will pay it for those who weren't insured and we will pay it for those who were insured. Their family insurance won't go down, and we will pay three times as much for the coverage than if we went to the private sector and we negotiated that coverage.

To some up here, that makes unbelievable sense. To those of us who come out of business, to those of us who understand what the people in our States whom we represent struggle with day in and day out, it makes absolutely no sense.

Forget the fact that adults will still be covered under this Children's Health Insurance Program; that private coverage will be replaced with government-run coverage; that within this bill, this children's health care bill, are hidden earmarks—earmarks that create a health care center in Memphis and earmarks that deal with the pension system in Michigan. My God, is this about kids and health care or is it about what we can hide in a bill and disguise and cover as a benefit to children? It overturns an administration rule targeting SCHIP for low-income children. The bill would overturn an HHS directive that requires States to focus first on covering low-income kids, thereby eliminating any State accountability to cover the neediest kids first.

Well, most of us have done oversight work. If we could trust the States or people we give money to, we wouldn't need oversight committees. But they meet every day, all day long, because we can't trust any single entity to follow the rules. We are basically taking the rules and throwing them away. Will we cover adults? Sure, States will make decisions to cover adults. States will make decisions that will go far outside of low-income children.

Now, the speaker prior to Senator KENNEDY said this was not a debate about health care reform. He is right. It is one of the few things I have heard on the floor today that is accurate. But it should be. This should be about health care reform.

It is the belief of some that we should feel good about overpaying for a program that will cover 3 million uninsured in this country and reassign 3 million who are insured to now be under the dole of the Federal Government and the American taxpayer when, in fact, we have 47 million uninsured in this country. That is exactly what we should be debating on the Senate floor today—how do we reform health care to where we cover the 47 million who are uninsured in this country.

Well, when we debated SCHIP before it was conferenced, we talked about this incredible new plan that had been introduced by a number of us—the Every American Insured Health Act—a plan that covered 47 million uninsured. It did it in a budget-neutral way. It eliminated the cost shift that exists in our system today. We estimate saving $200 billion a year. That is for a plan that I suggest is very much targeted for 47 million uninsured, and the CBO will verify that it is budget neutral. For those who might not be one of those 47 million individuals, who might say I don't have skin in this game: If we are able, through the elimination of cost shifting because we are now providing primary care for people who today do not have insurance, who will not be in the emergency room accessing care at the most expensive, most inefficient place—who actually have preventive care, who have wellness access, who have a medical home, who have a doctor for the first time, and we are able to squeeze out $200 billion of waste that we can pump back into health care—an amazing thing happens. It brings everybody's premiums down.

For a person in the country who might be sitting there saying, I have insurance, I am covered, I am OK; it doesn't make any difference to me whether they have this debate about insurance reform—it should matter to you because it is unsustainable to continue the inflation rate of health care at the rate it is going. If you want to see that end, if you want to see your premium come down, we have to reform health care, and I tell you it starts with insuring 47 million Americans, not 3 million kids. We should provide the resources so those 47 million can access their care in their State with the most competitive products they can find for the scope of coverage.

This plan is out there. We introduced it. We didn't ask for a vote. We should have. But we have another opportunity and that opportunity is, let's reauthorize the current SCHIP plan, let's put the dollars in that are needed to make sure nobody falls off the system, but let's choose not to expand it to include, at three times the cost, 3 million kids and take 3 million kids off their parents' insurance and put them over on the Government insurance for the taxpayers to pay for.

Rather than do that, why not engage in an honest, real debate on the floor and let's come up with a reform package that covers the 47 million. Let's come out with a bill on the Senate floor that doesn't leave anybody behind. If we are going to cover 3 million uninsured kids, what about the other millions we are not covering? The reason we do not go higher is because the higher you go, the larger the percentage of kids you are pulling off of their parents' insurance.

What we have learned from my experience, and I think nobody would disagree with me: It saved me no money. The Federal Government's share of my health care today is more than it was when my first child was on my insurance plan. And in December, I have the great fortune that I am going to go through this again. I am going to have my second child who will become 22, and this arcane Federal guideline, statute, whatever it is at OPM, will kick in and they will say we will no longer cover your healthy 22-year-old son.

I will go to North Carolina and I will access insurance, probably at $1,500 like his brother has. I will now have $3,000 a year in additional coverage, only to find out that the Federal Government, for my plan for me and my wife, is paying more money than we were before.

There is a reason. It is because when you take healthy people out of the pool, the actuaries look at us old folks and say: You know, they are a greater risk to us.

The reverse is true, too. If over time we allow adults to infiltrate, which we already have, the children's insurance program, amazing things are going to happen. The premium is going to go up because we are putting older folks, who are less healthy, in the pool.

This makes a lot of sense to me because it works the same one way as it does the other. I think the sad thing today is I have to stand up and say I am not going to support an expansion of SCHIP, but I will support reauthorization of SCHIP with dollars that say nobody falls off.

I will also commit today to be the most engaged Member of the Senate if we will come down here and have a health care reform debate. Bring the proposals to the floor. But don't come if you are not willing to prove you are going to insure 47 million uninsured in the country. Don't come unless you are willing to get all the cost shift out of the health care system. Don't come unless you are willing to take $200 billion and have that impact positively on everybody's premium in this country. Don't come to the floor unless you are willing to extend wellness and preventive care through the policies we are able to create. Don't come unless you are willing to reform insurance products so they are truly market based. Don't come if you don't want insurance products to be portable, when employees can take them from job to job just like the retirement benefits we have and that we fought so hard for.

Today I am disappointed because we have an opportunity in this program.

We can't extend this program, though, if in fact passing a bad bill is the result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I say to the Senator from North Carolina who just completed, I am willing to work with him on all the goals he wants to do. Earlier in the writing of this legislation, back during the months of March, April, and May, we tried to get the White House to get some other Democrats involved and helping Senator WYDEN, who wanted to go in that direction, and the White House couldn't deliver.

When it comes down to doing something all at once, or doing it in two separate pieces, sometimes you have to do it in two separate pieces. This is one of those issues. We have to do the Children's Health Insurance Program first and then I am going to join people like Senator BURR. Only I am going to be working in a bipartisan way with Senator WYDEN, to see what we can do to take care of all of the uninsured in America.

We can do that. The President wants to do it. There are Democratic leaders who want to do it. Senator CLINTON has come out with a program doing it through private health insurance. But we cannot do it on this bill. The people who have been talking for 6 months about doing it on this bill had an opportunity, when it was up in the Senate, to offer an alternative. For all their talk, for months, nothing was offered along the lines of what they wanted to do.

Don't come back complaining after we get a compromise between the House of Representatives and the Senate, and still complain, when you had a debate on this 2 months ago and you didn't have a plan to offer. You can't get anything passed in this Senate if you don't have it down on paper and offer it to us for consideration. But now, after this job is done, let's all get together and do it right. And we will do it right.

I want to spend my time talking about some of the misinformation that was spread about this bill when it was first considered in the Senate 2 months ago and is still being considered today, just as if the debate and all the explanations we gave two Mondays ago didn't make a bit of difference. So let's go through it again. Let's get very basic and let's say where the misinformation is wrong.

I am not here to embarrass any of my colleagues so I am not going to use any names. But yesterday a Member of my party took to the floor talking about this bill pending before the Senate. I wish to address some of those issues that were raised by my friend and colleague.

This colleague repeatedly referred to the Children's Health Insurance Program as leading to a national system of health care.

> The goal here is to radically expand the size of a public insurance program to families that are really doing quite well, families making up to $80,000 that may not have children, or the children may already be insured by the private sector because you want to move more people onto the public insurance system because you want to have a nationalized system.

I have one simple question to ask all the critics of this bill who, when confronted with the actual policies in this compromise, respond by shrieking: 80,000 income, $80,000 income; and that question is: If this bill became law tomorrow, how many families earning $80,000 a year would be eligible for this Children's Health Insurance Program? And the answer is: None. None.

As they say in baseball: You can look it up.

I have one simple question to critics who, when asked to respond to what is actually in the black and white of this bill, react by screaming, as we heard in that quote I just gave: National health care, socialized medicine. And that question I ask those folks is this: Under what contorted reasoning is a capped block grant inclusive of policies that prohibit new waivers for parents, phase childless adults completely off of this children's program, and limit matching funding for higher income kids, nationalized health care? That is what this bill does. It takes care of problems that have developed over the last 10 years. There have been legitimate criticisms of it. It fixes those problems and doesn't do any of the things that people say are going to happen, such as families of $80,000 being able to put their kids on this program.

You can call all of this rhetoric something. You can call it anything you want. But in Iowa you can't call a cow a chicken and have it be true.

I have some charts here I want people to see. This colleague of mine also referred yesterday to what is ''budget gimmickry'' about this legislation. I have this response to that colleague of mine. He said this yesterday, ''There is the problem.''

He was pointing to this chart that he had up at that time. Let me start the quote over again.

> For example, there is the problem that there is a scam going on, a scam in this bill as to how it is paid for. You can see this chart I have in the Chamber. This reflects the increased costs of the bill as it goes forward. But, in order to make their own budget rules, which they claim so aggressively to be following, such as pay-go—

meaning pay as you go—

> they have to take the program, in the year 2013, from a $16 billion annual spending level down to essentially zero. In other words, they are zeroing out this program in the year 2013 . . . that is called a scam.

I end the quote of my colleague.

I am a proud member of the Budget Committee. I think I know how the budget process works. I believe in fiscal discipline and spending restraints. I agree that even under a Republican-controlled Congress, spending got out of control. Part of the reason why Republicans lost control of the Congress last election is because we didn't show concern enough to control spending.

I believe part of the reason the President is threatening a veto of this bill is he is trying to play catchup for failing to veto 6 years of spending bills when Republicans controlled the Congress. I agree that fiscal discipline ought to be applied to spending bills and we should pay some attention to the level of spending and how spending is financed.

From that standpoint, let me focus on the criticism that has been made about how this Children's Health Insurance bill is financed. We need to step back, and in stepping back we need to look at the whole picture. The Children's Health Insurance Program is a pretty small part of that picture. The thing about the Children's Health Insurance Program is that it is not like Medicaid or Medicare. It is not a permanent program. This program expired after 10 years. We are working on it now to reauthorize it. It will expire after 5 years. You never hear of Medicare or Medicaid expiring, sunsetting, so it has to be reenacted. It has been going on for 43 years.

SCHIP, then, is not an entitlement and I have heard my colleagues recently refer to it as an entitlement.

Now, there were some who wanted to turn this Children's Health Insurance Program into an entitlement program. So it has been discussed, I admit. I am not one of those. And nobody in the Senate that I know of spoke that way. But the House bill would have lifted the cap on the national allotment for the Children's Health Insurance Program and extended the program forever.

The word ''entitlement'' may be applicable. I fought hard to maintain the block grant concept, the sunset concept—as has been the case since the program was started 10 years ago—and to ensure that the program did expire so that in the future, Congress would be forced to reevaluate it and maybe improve or cut back, whatever the situation is 5 years from now, just as we have been doing this year with the sunset program.

So despite the best efforts of House Democrats, because in the House it is more partisan than the way we do business in the Senate, this is a bipartisan bill. Regardless of the best efforts of House Democrats under the compromise bill when the program expires, it truly ends. The day after the authorization ends, poof, no more Children's Health Insurance Program unless Congress reenacts it.

The Children's Health Insurance Program before us is an expiring program. So let me say that again. It is an expiring program. It is not an entitlement. Why do colleagues keep trying to fuzzy the debate by using words that are not applicable?

Well, I know most of us in this Chamber would no sooner let the Department of Defense expire then we would

let the Children's Health Insurance Program expire. That is a simple fact. But that does not make it an entitlement any more than the Department of Defense programs are entitlements. Because it is an expiring program, it is subject then to a very particular budget rule that makes this chart not exactly intellectually honest.

The budget rule says the Congressional Budget Office must score future spending for programs based upon last year's program current authorization. So the baseline for the Children's Health Insurance Program right now, and for next year and next year, is $5 billion. For the next 5 years, the baseline each of those years is $5 billion, and also for the next 10 years. If you want to go beyond 5 years, and we do not do it in this bill, but sometimes the Congressional Budget Office does it, the baseline is still $5 billion. It is actually $5 billion a year forever as far as the Congressional Budget Office is concerned.

Does anyone in this Chamber think the budget rule governing the Children's Health Insurance Program is realistic? Well, it is obviously not. But that is the way the Congressional Budget Office does business around here. So let's not kid ourselves.

According to the Congressional Budget Office, over 1 million children would lose coverage if we simply reauthorized the Children's Health Insurance Program at the assumed baseline of $5 billion a year. Now, I have never heard anybody around here saying they want to throw a million kids off of this program. So what do you do? You provide for where you are.

Well, you can throw them off if you want to, but I have not heard any of my colleagues, even the ones complaining about this bill, I have never heard them complain that we ought to throw 1 million kids off the program.

Who would go home and tell their constituents that they voted to do that? But over 1 million kids would lose coverage. That is not politically viable.

During the consideration of this Senate Finance Committee bill, there was a children's health insurance alternative that included an increase in the Children's Health Insurance Program by spending $9½ billion over 5 years.

Now, understand, the White House ought to hear that. Even Republicans in the Senate are telling the President: Your $5 billion will not do what you want it to do. Those are even the Members who oppose the Finance bill, acknowledging that $5 billion was not enough. Everyone knows the current baseline is not realistic, that it created a hole in the budget that had to be filled.

So what do we do? If you do not want to throw kids off, you fill that hole. It is that simple. We had to comply, though, with the budget rule. That is the way you have to do business around here. You get a point of order against your bill, and you have to have 60 votes to override it. So we did.

Do those budget rules make sense? Well, that is a question for the Budget Committee, not for our Finance Committee. The Budget Committee sets those rules, and they are not for the Finance Committee to change.

There is another budget rule the Finance Committee was required to follow. That rule is called pay-go, pay-as-you-go, which means that you raise revenue or cut spending someplace else to pay for the new things you are doing. It means the bill needs to cover its 6-year cost, and that makes sense. After all, this bill proposes new spending, and we should pay for it. And this bill does it. This bill complies with those budget rules. It complies with the pay-as-you-go requirement.

Now, the children's health reauthorization that we are debating is only a 5-year authorization. And, as I think everyone knows, the bill is paid for by an increase in the tobacco tax, just like the original CHIP bill was paid for when it was created by a Republican-controlled Congress 10 years ago.

Now, just like in 1997 when the Republicans did it, we had a problem with how the tobacco tax worked. The revenue from the cigarette tax is not growing as fast as health care costs grow. So that means the revenue raiser is not growing as fast as the costs of the program. So the Finance Committee did what it was required to do to comply with pay-go budget rules. The Finance Committee bill reduces children's health insurance funding to just below the funding that is in the current baseline.

That means the Finance Committee, in 5 years, will have the same problem we faced in putting this bill together today. They will have to come up with the funds to keep the program running, if that is what they decide to do 5 years from now.

We are covering even more low-income kids in this bill. That is a good thing. Assuming that Congress does not tackle the increasing problematic issue of health care costs across the board, as Senator BURR was begging us to do, the Finance Committee, in 5 years, will have a bigger hole to fill. They will have more kids to keep covering, and health care costs will be even higher than they are today. That is for the Finance Committee to face down the road 5 years.

That is just like the job the Finance Committee had today if we were going to continue the Children's Health Insurance Program beyond the 10-year sunset. So what I am saying is, this is really nothing new. Now, my friend and colleague whom I have been quoting all the time, a person for whom I have great admiration, has once again distorted the so-called cliff that he referred to on this chart. That is where the line goes down after the year 2012.

He has, once again, produced a chart that shows a dramatic decline in funding of the program. Here is the chart used to raise the issue about financing the compromised bill, which is largely the Senate Finance Committee bill. It shows only the funding in our bill.

The approach that this chart takes reminds me of the story of the seven blind men trying to describe an elephant. Each described different parts of the elephant: one the tusk, another one the tail, another one the ear, another one the leg, and none could describe the whole elephant. They could not see the whole picture. So we have to look at the whole picture.

As we all know, this program was created to supplement Medicaid. So I am going to show you the whole picture. You have to involve Medicaid. The goal of the program was to encourage States to provide coverage to uninsured children with incomes just above the Medicaid eligibility: Medicaid for the lowest income people, SCHIP to help lower income people who maybe could not afford private health insurance or their workplace did not have it.

So to put my colleague's concerns into perspective, we need to look at the whole picture. We need, and we should, look at SCHIP spending as it relates to Medicaid spending. I would like to draw your attention to this chart so everyone can fully appreciate the consequences of our SCHIP program that is a fiscal disaster to some of my friends, as you listen to the debate, the consequences of the SCHIP program in the context of the Medicaid Program which it supplements. So I want you to take a closer look.

Let's start with this tiny green line down to the bottom. That is the Children's Health Insurance Program under current law, the straight line across the bottom. I know we have to squint to see it. But that green line represents the Children's Health Insurance Program baseline under current law.

As I have already discussed, it is $5 billion each year for the next 10 years, and maybe forever, depending on what Congress does in the future.

Now, let's look more closely and honestly at the actual problem we are facing. This massive orange area above that green line I just referred to is Medicaid for several years into the future, 10 years into the future. It is a lot bigger, isn't it, than the Children's Health Insurance Program?

Then, on top of that, we are looking to add what is in this bill, new spending for the Children's Health Insurance Program. The new spending is represented by that narrow blue line across the top there labeled ''funding in the compromise agreement.''

Again, you almost have to squint to see that blue line. And as you can clearly see then, costs are growing at a rapid pace overall. The overwhelming driver of the cost is not the relatively small increase of the blue line. And then the decline, you see a decline in that blue line on top in CHIP spending. That is just kind of a blip on the radar compared to the massive increase we see in Medicaid spending.

We have a big problem. It is not going to go away. But it is not the

Children's Health Insurance Program. It is the entitlement program that SCHIP is not a part of because I made a point—10 times in the last 2 days—that this is not an entitlement, even though my colleagues still talk about entitlement. Where are they coming from? What planet? I don't know.

But entitlement spending is, in fact, ballooning out of control in future years if we do not act. We are going to struggle to keep these programs afloat. When you look at the whole picture, this whole picture, it puts things about the SCHIP program and the criticism of the SCHIP program in perspective. But the criticism is not justified.

Now, remember all of the fire and brimstone about the awful cliff on the chart that we had before, the awful cliff of this compromise bill? The way that it continues to be described, you would think the world is about to end. And now looking at the big picture, where exactly is that cliff, you might ask? Again, you will have to squint to see that cliff. That cliff starts downward after the year 2012. So you saw on the previous chart, you see that big dropoff. That is what I raise about the intellectual accuracy of that chart. OK?

If we go back to the other chart and look at the real program, that is how it goes down a little bit after 2012. It is not that dramatic compared to what we are doing on Medicaid. You can see how this debate has tried to distort what we are accomplishing.

So this little blue line is what this debate is all about. This little blue line is the funding in the compromise agreement. This little blue line is what all the fuss is about. It seems like a whole lot of hollering is going on over a dip that is hard to even see.

Let me tell you what the compromise agreement and this little blue line is not. This is not, as some people want us to believe, a government takeover of health care. This little blue line is not socialized medicine or nationalized medicine or anything like that. This little blue line is not bringing the Canadian health care system to America. That little blue line is not the end of the world that we know. To suggest that this little blue line and this tiny dip we see after the year 2012 is the dismantling of the U.S. health care system borders on hysteria.

While I concede that allotments under our bill in the years beyond the 5-year reauthorization in this legislation do behave as described in my friend's chart, the one with the big dropoff, I don't think it warrants the heated rhetoric we are hearing today and yesterday. SCHIP is not a real fiscal problem. The problem is that issue nobody wants to talk about. What are we going to do about entitlements? Nobody has political guts enough to agree with it, but they want to put this Children's Health Insurance Program on the same par as those Medicaid issues.

My friend I have been quoting all day and I worked together a year ago, now maybe 2 years ago, on the Deficit Reduction Act, to try to rein in this egregious Medicaid spending. I am proud of the work we did. He praised me so much 2 years ago for the heavy lifting I did for the entire Senate on saving some money—I should say Senate Republicans for saving some money—but how times have changed. We also found out how hard it is, at the time of the Deficit Reduction Act, to dial back entitlement spending. Even in a Republican-controlled Congress and even with the special procedural protections of reconciliation, we only succeeded in shaving $26 billion off that orange part of the chart. The problem of entitlement spending is still out there, and SCHIP is like a pimple on an elephant compared to the elephant that Social Security, Medicare, and Medicaid are.

I am very hopeful that once we are done with the CHIP debate, we can roll up our sleeves and get down to the business of tackling health care reform on a much larger scale, as Senator BYRD referred to, and I have referred to Senator WYDEN from Oregon working on it over a long period of time. I know Senator WYDEN wants to take this on, and I am going to join him in that bipartisan effort.

As I have said many times, I had hoped we could have used this debate on SCHIP to focus on these larger issues of health care reform and helping the uninsured. I tried to engage my colleagues on the other side. I was repeatedly thwarted in that effort and told that SCHIP had to get done first. Well, hopefully we can get SCHIP done and then turn to the bigger issues so the next time the Congress has to tackle the Children's Health Insurance Program, this big orange block would not be so huge.

Before closing, another criticism we had of this bill in the last debate 2 or 3 months ago was this. I will quote Senator LOTT. I don't think he will mind my using his name. He was quoted on July 31: The House is going to pass a bill at what, maybe $80, $90, $100 billion, paid for by taking money away from Medicare beneficiaries. We go on conference, what will happen? What always happens. You split the difference. We are at 60. They are at 90. How about $75 billion. How is that going to be paid for? Is it going to be paid for by cutting benefits for the elderly or raising taxes of all kinds?

Well, it is paid for the same way we paid for it on July 31, 2007, with the tobacco tax, not by Medicare money.

He went on to say: I fear what is going to happen in conference. I don't know. Maybe the Senator from Montana and Senator GRASSLEY can sit there and say: Oh, no, no, no, we are not going above what we passed in the Senate. But I think the reverse is going to be true. This is the base. The $60 billion is the beginning.

Where did we come out? Exactly where Senator BAUCUS and I told the Senate we were going to come out. We came out with the $35 billion that passed this body. So all those people who are worried about the position of the Senate being lost in conference by Senator BAUCUS and I representing the Senate—and let's say Senator ROCKEFELLER and Senator HATCH as well—would you please tell me you were wrong?

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). Who yields time?

The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, today is truly an important day for America's children. On Tuesday, the House passed the Children's Health Insurance Bill, and very soon, the Senate will vote. We will provide $35 billion over the next 5 years to expand health insurance coverage for the children of America's working families.

We know that there is a crisis in health care in this country. More than 46 million Americans don't have any health insurance coverage; 9 million of them are children, and most of them are in working families. That is a disgrace.

Now there are many proposals out there to increase the number of Americans with health insurance coverage. As Congress begins to consider these proposals, there is something we can do today to decrease the number of uninsured children by nearly 4 million.

Earlier this year, in February, I introduced to the Senate Finance Committee a Baltimore family that has benefited from CHIP. Craig and Kim Lee Bedford are working parents who own a small business and simply cannot afford health insurance for their 5 children through the commercial market. Through the Maryland MCHP program, the Bedford Family's 5 children receive affordable, quality health care.

We have the evidence that enrollment in the CHIP program improves the health of the children who are enrolled, their families, and the communities in which they live.

When previously uninsured children are enrolled in CHIP, they are far more likely to receive regular primary medical and dental care, and they are less likely to use the emergency room for visits that could be handled in a doctor's office.

They are more likely to get necessary immunizations and other preventive care, and to get the prescription drugs they need.

But there are still millions of children who have not enrolled in the programs offered by their States.

Our States are making progress—simplifying their enrollment procedures, expanding outreach efforts, and using joint applications for Medicaid and CHIP so that families can enroll together.

But this reauthorization bill, with $35 billion in added funding, is needed to help them make real progress.

I want to talk for a moment about Maryland's program.

It has one of the highest income eligibility thresholds in the Nation, and this is important because of the high cost of living in our State.

It is at 300 percent not because our Governor wants to move people from private insurance to public insurance plans. It is at 300 percent because working families at this income level do not have access to affordable health insurance policies. Those families need CHIP.

Children under the age of 19 may be eligible for MCHIP if their family income is at or below 200 percent of the Federal poverty level, or up to $34,000 for a family of three.

We also have an MCHIP Premium program, which extends coverage to children at moderate income levels—between 200 and 300 percent of poverty, or up to $51,500 for a family of 3.

The premiums, which are paid per family, regardless of the number of eligible children, are between $44 and $55 a month.

Our program has been a true success. Enrollment has grown from about 38,000 enrollees in 1999 to more than 101,000 today.

In my State of Maryland, the need has always exceeded the available funds. The Federal match through the CHIP formula established in 1997 is not enough to meet all of the costs of the MCHIP program.

Some States do not use their entire allotment, while other States, like Maryland, have expenditures that exceed their allotments. Congress has addressed this problem by redistributing the excess to the shortfall States.

The 109th Congress passed provisions to address the Fiscal Year 2007 funding shortfalls.

That bill didn't include any new money, but it allowed the redistribution of $271 million already in the program, and that was important for thousands of Maryland families.

Without that legislation, Maryland would have been forced to either freeze enrollment or reduce eligibility for CHIP.

Now, we must move forward for future years. That is what we are doing on the floor of the Senate today.

This conference report increases the allotment for Maryland for next year from its current projected level of $72.4 million for fiscal year 2008 to $178.8 million.

It also allows us to continue to cover children in families with incomes up to 300 percent of poverty. Maryland would also have access to a contingency fund if a shortfall arises and additional funds based on enrollment gains. With this new money, Maryland can cover as many as 42,800 children who are now uninsured over the next 5 years.

There is another vitally important part of this conference report that I want to talk about. Title 5 ensures that dental care is a guaranteed benefit under CHIP.

According to the American Academy of Pediatric Dentistry, dental decay is the most common chronic childhood disease among children in the United States.

It affects one in five children aged 2 to 4; half of those aged 6–8, and nearly three-fifths of 15-year-olds. Tooth decay is five times more common than asthma among school age children. Children living in poverty suffer twice as much tooth decay as middle and upper income children. Thirty-nine percent of black children have untreated tooth decay in their permanent teeth; 11 percent of the Nation's rural population have never visited a dentist; an estimated 25 million people live in areas that lack adequate dental care services.

I want to say a few words about a young man named Deamonte Driver. He was only 12 years old when he died last February from an untreated tooth abscess. It started with an infected tooth. Deamonte began to complain about a headache on January 11. By the time he was evaluated at Children's Hospital's emergency room, the infection had spread to his brain, and after several surgeries and a lengthy hospital stay, he passed away.

For want of a tooth extraction that would have cost about $80, he was subjected to extensive brain surgery that eventually cost more than a quarter of a million dollars. That is more than 3,000 times as much as the cost of the extraction. After Deamonte's death, the public took note of the link between dental care and overall health that medical researchers have known for years.

His death showed us that, as C. Everett Koop once said, ''there is no health without oral health.''

Deamonte's brother, DaShawn, is still in need of extensive dental care, and, like him, there are millions of other American children who rely on public health care systems for their dental needs.

No child should ever go without dental care. I have said before that I hoped Deamonte Driver's death would serve as a wake-up call for the 110th Congress. I believe that it has.

Earlier this year, I brought Deamonte's picture down to the floor. I have it with me again today.

It is here because we must never forget that behind all the data about enrollment and behind every CBO estimate, there are real children in need of care.

When I spoke about Deamonte right after his death, I urged my colleagues to ensure that the CHIP reauthorization bill we send to the President includes guaranteed dental coverage.

This bill would make guaranteed dental coverage under CHIP the law of the land, and I want to take this time to personally thank the members of the conference committee for ensuring that a dental guarantee is in this bill.

One other tragic piece of Deamonte's story is that, once his dental problems came to light, his social worker had to call 20 dental offices before finding one who would accept him as a patient.

The conference report includes a provision that will make it much easier for parents and social workers to locate participating providers.

It requires the Secretary of Health and Human Services to include on its Web site *www.insurekidsnow.gov* and the HHS toll free number, 1–877–KIDS–NOW, information about the dental coverage provided by each State's CHIP and Medicaid programs, as well as an up-to-date list of providers who are accepting CHIP and Medicaid patients.

Parents will be able—with one phone call or a few mouse clicks—to find out what their child is covered for and where they can receive care. There is more work to do, as I have learned from working with my dedicated colleagues here on this issue, particularly Senators BINGAMAN and SNOWE.

We still have to improve reimbursement for dental providers, and get grants to the states to allow them to offer dental wraparound coverage for those who may have health coverage, but no dental insurance. But these provisions are a very good start.

I am deeply disappointed by the President's statements about CHIP. When he says that this is Government-run insurance, he is mistaken.

This program is administered by our States, with help from the Federal Government, to ensure that working families who cannot afford private health insurance, can enroll their children in private health insurance plans.

I would hope that after today's vote in the Senate, he will reconsider his position on this bipartisan, responsible, and paid-for bill.

CHIP covers urban and rural children, who live in every state, whether Democratic or Republican.

Congress has come together after months of work to reauthorize a program that's been a proven success and has served the needs of America's working families. I urge the President to join us in this truly bipartisan effort and sign this bill into law.

I thank the leadership for bringing forward this bill. We have talked about the fact that we have 46 million people without health insurance, 9 million children without health insurance. We can do something about it today. This bill will cover 4 million uninsured children. We can do something about the uninsured. During the course of the hearings in the Senate Finance Committee, I brought Craig and Kim Lee Bedford, constituents from Maryland, to testify before the committee. These are working parents with five children. They simply could not afford health insurance. But the CHIP program has allowed us in our State to cover these children. Mrs. Bedford said: I no longer have to decide whether my child is sick enough to go to a doctor. That is the practical effect of this legislation. It is going to help families in our State.

I heard the arguments about over 200 percent of poverty. In our State, we cover up to 300 percent of poverty. That is $51,500 a year. You have to pay a premium. The premium is between $44 to $55 a month for the entire family. But in Maryland, you can't afford health insurance if you make that type of income for a family. This bill will allow us to cover those children. For my own State of Maryland, bottom line means we are going to be able to cover 42,800 more children. In Maryland, we had the tragic circumstances of Deamonte Driver, a 12-year-old who died as a result of untreated tooth decay. That should never happen in America. This bill will help us to cover American families and our children.

I urge my colleagues to support the bill and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I am encouraged that the Senate is taking up the whole issue of health care in America. We know this is one of the most important issues to the American people. We know a number of Americans don't have access to health care, and it is very important that we debate this as a Senate, not just children but the American goal of how do we get every American insured. How do we make sure every American has access to good health care throughout their life and their children do as well? We can agree on that goal. It is not just about children, it is about health care in America and figuring out as a Congress how do we make sure every American has access to good health care.

The question today and the question we need to continue to debate is: Do we want the Government to provide that health care or do we want to figure out how to make sure that individuals have access to a health insurance policy that they can own and keep? Because we know the best and most efficient delivery of health care is going to come through individually owned policies that people don't lose when they change jobs, they don't lose when they retire. I hope our focus will turn from Government health care to helping individuals have a policy that they own and can keep. We should all question, do we want the Government that ran the Katrina cleanup or runs the Post Office or spends $1,000 for a hammer at the Pentagon and wastes billions, literally hundreds of billions of dollars in waste, fraud and abuse every year, do we want that Government to take care of our children, to take care of our seniors, and to run the health care system today?

We are talking about health insurance for children. A number of people are saying individuals cannot afford to buy it. Before we consider that, we need to realize this Congress has made it very hard, if not virtually impossible, for individual Americans to have a health insurance policy they can own and keep. We need to be reminded that this Congress has created a Tax Code that gives tax breaks to businesses who provide health insurance but not to individuals who want to buy it. That means the cost of individual insurance is higher and many times unaffordable. We have proposed in Congress—unfortunately, my Democratic colleagues have fought back—to allow small businesses to come together and pool their resources so they can buy health insurance and make it available to their employees when they cannot afford it as individual companies. But this Senate killed that idea. It would have made it more affordable for individuals. Yet we complain about the uninsured.

We know a number of States have added so many mandates onto their insurance policies, it is too expensive for citizens to buy it. Yet this Congress will not allow Americans to buy health insurance anywhere they want in the country. We have allowed individual States to create monopolies, where someone in South Carolina can't buy a policy from New Mexico unless it is certified in South Carolina. We know we could create a national market and make individual policies much less expensive, but this Congress would not do it.

The fact is, this Congress has made individual health insurance unaffordable and unaccessible to Americans and now, today, we are going to ride in on our white horse and save the day with Government health insurance.

Children should have health insurance. This whole plan of children's health insurance started for poor children whose families make too much for Medicaid but were still under 200 percent of poverty. Today we are proposing not just to reauthorize and continue this program for poor children but to raise it so children and families with incomes up to $82,000 are going to get free Government health care. When this plan is fully implemented, about 75 percent of the children who live in America today will be on Government health insurance, which means we as a Congress have made a decision that we want America to have Government health plans and not to have individual plans they can own and keep. Because if 75 percent of the children are on Government plans and our seniors are on Government plans and many of our military are on Government plans, there is no more room for private market health insurance policies to work. In effect, what we are doing is deciding today that we want national health care in America when we vote for this.

I have heard this bill talked about as a compromise and that we can split the difference. But colleagues, you can't split the difference between freedom and socialism. You can't split the difference between Government health care and individuals owning their own health plans. We are talking about something that doesn't exist. What we have split the difference between is spending $80 or $90 billion more than we need for poor children, and we have brought that down a little bit. We have funded it with some bogus funding, and we think we are doing something to help America.

This bill is not for children. This bill is selling out the future for every child in America because we are turning this country into a socialistic style of government, taking away people's freedom. We are here, once again, pretending we are doing something we are not. We are not taking care of children. We are selling their freedom away under the pretense of children. We have learned in this body that all we have to do is do it for the children and come down and say it applies to children, and we dare anyone to vote against it. I am going to vote against it because this is not for our children, and it is not for our country.

We are selling out our future. If we would focus ourselves on helping individuals access private policies, we could get every American insured. If we made our Tax Code fair for everyone, if we allowed States to partner with us, we could have every American with a health insurance policy without the Government running this. We should not even pretend we expect this Government to run the health care system in an efficient way.

Colleagues, I appreciate the debate on health care. We need to have it. We need to have an American goal that every citizen is going to have access to good health care and health insurance. This is not the way to do it. This is a decision to become more like socialized Europe, to sell out our freedoms, and to give Government control of our health care.

I encourage all of my colleagues to rethink this decision to vote for this bill, and to vote against it.

I yield back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Chair. I believe I have up to 10 minutes, and I yield myself that time.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I have heard my distinguished friend from South Carolina, and have great respect for his thought process, for the way he presents things. Frankly, I do not mind listening to him, so I was here early, and I got to hear what he had to say.

But we have been working on this issue of SCHIP for more than a few months, in fact, for more than a few years. So some come in at the end and have a whole new theory about it, and others, like myself, who happened to be the Budget chairman back a few years ago, when this program was born—and I remember making room for it in a budget resolution so it could be a reserve fund, and we could end up with this amount of money. It kind of lived through 2 or 3 years of getting knocked around and not doing its job, and doing part of it, and as things progressed I ended up supporting a proposal that involved SCHIP.

This Children's Health Insurance Program Act of 2007 is now before us. I indicated my support for it when Senator CHUCK GRASSLEY and his cohort, the chairman of the Finance Committee from Montana, were putting together a compromise bill using this money that had been allocated for health care some 3 or 4 years ago. So I supported it as Senator GRASSLEY and others put together a program.

New Mexico has a terrible problem with uninsured children. Nearly 25 percent of the children have no insurance—worst in the country. SCHIP will help this problem, no doubt about it.

The bill we are voting on today—whether my good friend who spoke just before me agrees with the terminology—is a compromise. Many on the other side of the aisle wanted $50 billion to $70 billion more in spending. On my side of the aisle, they wanted much less. Some wanted as low as $5 billion. This bill gave us $35 billion—right down the middle. Whether that means anything, it does to me. It means some people worked very hard to try to get a bill we could support, that would begin to get us somewhere with reference to changing the direction of health care for children who might see light someday. The bill gave us $35 billion, I repeat.

In August, I came to the floor and made a statement. I said I did not like what the House of Representatives was doing. I said I did not support massive increases in spending and eligibility proposed by the House. I made it very clear I did not want a reauthorization that included revisions to the Medicare Program.

Now, I am just one Senator, but it turns out that five or six or seven Republican Senators somehow or other all thought the same way. They were thinking just as I was, that we were not going to let ourselves get used so that this SCHIP was opening a crack in the door, and we did not know what we were talking about, and we would open the door, and we would spend three times what we had in mind.

Well, that was not going to happen. Senator GRASSLEY came around and asked, and I said: $35 billion. That is it. If you put any more in, I am out.

I remember him coming to me and saying: Is that it?

Twice I said: That is it. Don't bother me anymore. I am your friend, but anybody can understand $35 billion is $35 billion. It is not $38 billion. It is not $50 billion. If you want to do any more, go look for somebody else to make your majority.

He said: No, I don't want to do that. I want you. Is that all you will do?

I said: Yes, that is all I will do.

So everything I did is not part of the record, but I am reflecting for the Senate and for those on my side of the aisle who do not understand why I am doing what I am doing and want the President to veto this bill. I do not want him to veto it. I think it is a mistake, and I am saying it right now, and I will say it again.

But I did say I did not want massive increases in spending and eligibility proposed by the House. I did say I did not want a reauthorization that included revisions to the Medicare Program. Clearly, I made that point. I made it not only to Senator GRASSLEY, but I made it to the chairman of the committee, Senator MAX BAUCUS of Montana.

We got to where Senator BAUCUS would speak to me every 2 or 3 days and report to me what was going on. I was not on the conference. But the reason he did that was he understood if he went to conference and changed that $35 billion, which had become a very important number, he would start losing me.

So I was just as effective as being at the conference, but so were about seven or eight others who were still on board and who still think $35 billion is enough because the cheapest insurance around is insurance to cover children. We all know that. Now, that is not degrading. It is a fact. You can buy more insurance for children per dollar than for any other class of people. That is logical. Children do not get sick as much as old people. They do not get sick as much as middle-aged people. So they are healthy. The insurance is cheap.

Now, the conference committee listened—the one that Senator GRASSLEY and Senator BAUCUS were part of—they compromised the bill before us, and they did it in a fair way. What was fair? Thirty-five billion dollars—no more, no less—the amount we had agreed to that we said we would help them with. If they wanted to dream about big dreams for this small program—that I remember vividly we started in the Budget Committee, and it languished around. We started it some 4 years ago, or 5. I have not been back as chairman of that committee for quite a while, so it was not done yesterday.

The conference committee, as I said, listened, and they did exactly what Senator GRASSLEY and Senator BAUCUS had told us would happen. They provided $35 billion in new resources to provide health coverage for millions more children in working families.

Here we get into an argument: Who is working in families and who is not? Well, I understand we could have that argument and extend it beyond 8 o'clock. We could be here until morning. But we are not going to do that. It is established.

It strengthens outreach and enrollment efforts to make sure all children who are eligible for the program get the services they need. That has always been a problem with children. The Presiding Officer knows that. We cover children, and then in 2 years they come back and say: Yes, we covered them, but they did not get covered.

What do you mean?

Well, we did not find them.

Well, how do we find them?

Well, the best way is to wait until they go to the emergency room, and then you find them in the emergency room and you sign them up.

I thought: My, is that the best way we can do it? It turns out it is very difficult, especially among our poor people, to get them to round up their children and come and get them lined up. The best way is if they happen to go to a hospital. You get them then. You don't want them to go to a hospital, but I am telling you what it turns out to be. Maybe it has changed since I last worked on this. Years do go by. But I think what I said is still right.

It also makes improvements to the program such as mental health parity, which I know a little bit about. I am glad this legislation ensures plans that offer mental health services provide benefits that are equivalent to other physician and health services. This is one of the most difficult areas of unfairness for American coverage we have had, and we are making big strides toward resolving it. This bill makes its little contribution to resolving that problem.

The administration has issued a statement indicating the President will veto this legislation. Mr. President, that is a mistake. Maybe you will win; maybe you won't. I guess in the Senate you won't win, Mr. President. Maybe you will win in the House. I don't know. But this will not go away. It is solved. It ought to be done. We ought to go on and look somewhere else if we are going to try to find money to save. Those who think this is a great veto item, I think what I have just explained is, it is not a very good one. We ought to go ahead and take care of some of the children and get on to some other issues.

A majority of my colleagues have said they support this bill. Sixty-nine Members voted for cloture this morning—cloture meaning to cut off debate and get on with the vote.

My commitment to children's health care remains firm today. It remains as firm as when I agreed to the first use of SCHIP money in a new and different, innovative way so its asset value could multiply significantly. I support the passage of the compromise SCHIP reauthorization.

All in all, it is a pretty good bill. I hope it outlasts our debate and is voted on tonight. Then I hope it is not vetoed by the President.

I yield the floor and thank the Presiding Officer for recognizing me.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

Mr. THUNE. Mr. President, I have listened intently to much of the debate today on this SCHIP reauthorization. Let me preface my remarks by saying, first and foremost, I do support children. I like children, contrary to the implication that has come out of this debate that people who are not in favor of this particular piece of legislation are not in favor of the children. I am very much supportive and in favor of helping children. Furthermore, I also

support extending the SCHIP program. I would even support increasing funding for the SCHIP program in a way that would cover those children who are eligible but are not currently being covered.

That is a substantial number of children across the country, which is why I think it is essential if we are going to reauthorize this program, if we are going to extend this program, we do it in a way that takes into consideration there are a lot of children in America today who are eligible for the SCHIP program who are not being covered. So, frankly, I support not only extending the program but also increasing funding for the program.

We had a number of amendments that would have done that during the debate in the Senate that would have increased it substantially and, frankly, would have also, according to the CBO, covered more children than this piece of legislation we are going to vote on today.

But I have to say for a lot of us who do support extending the existing program and increasing funding to cover children who are eligible but not currently covered, this is a bridge too far because what this essentially does is, it not only expands the scale of the program, it expands the scope of the program. That is where a lot of us take issue with this legislation.

If you look at what the SCHIP program costs today, it is about $5 billion a year. It has cost us $40 billion over the course of the last 10 years. This legislation today would increase the 5-year cost to $60 billion, the 10-year cost to $121 billion. So where we are paying $5 billion a year today for the SCHIP program, this increases that to $12 billion a year, $60 billion over 5 years, or a $35 billion increase over the existing program, and $121 billion over 10 years.

Now, that again is an expansion, not just of scale but also of scope, because this covers adults, it increases the income levels that are eligible under the program that the States can incorporate up to 300 percent of the poverty level, and even allows and grandfathers in those States which have asked for waivers to go to 300 percent or 400 percent of the poverty level. So it does substantially increase or expand the scope of the program.

I think the other thing which is important and which is a concern for me in this whole debate is the fact that when you get to the year 2012, it is no longer paid for. Nobody here is disputing that fact. This is funded for the first 5 years or so of this program, but when you get to the last 5 years of the program, there is a cliff, and there isn't funding there to fund the program. In fact, the funding which is provided in the form of a cigarette tax increase actually assumes there are going to be 22 million new smokers over the course of the next 10 years. That would create a substantial number of problems for the health care system in this country and is certainly not something we want to encourage. But the reality is that when you get to 2012, you hit a cliff, and this is not paid for. It is going to have to be paid for in some form or fashion, which we all assume is going to be some substantial tax increase because it is going to be about $60 billion underfunded during the last 5 years of the program.

The other thing I will say which is, again, of great concern to me is this doesn't solve the underlying problem we have in this country. We have a health care problem in this country that needs to be addressed, that Congress needs to address head-on.

There are a lot of wonderful proposals and ideas that have been discussed, some of which have been proposed in the form of legislation, some of which have been voted on, and some of which have been defeated in the Senate.

A small business health plan, something many of us have supported for a long time, going back to my days in the House of Representatives, actually has been defeated on numerous occasions in the Senate. It is a proposal that would allow small businesses to form together, to leverage that group size they have and be able to lower the cost of health insurance coverage.

We heard my colleague from South Carolina talk earlier today about a national market for health care.

We have had suggestions, bipartisan suggestions about allowing a tax deduction that each individual could use in order to buy health insurance.

There is the proposal for a tax credit that has been offered by a couple of my colleagues on this side.

There are a lot of good ideas out there we ought to be adopting, or at least debating, and driving toward health care reform which empowers consumers in this country, which puts more people in charge of their own health care, and which allows them to have access to coverage where they own their own health care coverage and can make better and more informed decisions and get the cost of health care in this country under control. I don't believe this does that because what this legislation does is it increases government-run, Washington-controlled health care. This is an expansion of the government component of health care. It does nothing in the long run to address what is a very serious crisis in this country; that is, the need to bring reforms to our health care system.

The other thing I will say which I, frankly, take issue with as well with regard to this legislation is the fact that low-cost, efficient States such as South Dakota—and we have a 200-percent Federal poverty level in our SCHIP program in South Dakota—end up subsidizing higher costs in inefficient States. We have taxpayers in South Dakota who are covered, as I said, up to 200 percent of the Federal poverty level, or about $41,000 per family, who are going to end up subsidizing States that choose to exercise the option to go to a higher level. Frankly, there is no incentive for States not to go to the higher level, to go to the 300 percent, and those that already have requested waivers to go to 350 or 400, you are already talking about, in the case of 400 percent of the Federal poverty level, over $80,000 a year.

Now, what is ironic about that is the Federal Government is going to be telling people in this country that not only are you poor—in other words, you are eligible for this particular low-income health insurance program—but you are also rich, so rich that you are going to be subject to the alternative minimum tax.

I offered an amendment to the debate we had weeks ago that would have prevented those who are subject to the alternative minimum tax because under the Internal Revenue Code in this country they are considered rich—rich enough to pay the alternative minimum tax—that would have said that people who are subject to the alternative minimum tax cannot at the same time be eligible for a program that is designed to help low-income families and low-income children. That was defeated in the Senate by a vote of 42 to 57.

So there are a lot of issues with regard to this legislation that give me grave concerns, reasons that I can't support it. As I said before, an expansion of a government-run health care program in this country—it is not paid for after the year 2012—leads us toward nationalized, Washington-controlled health care and moves us away from what ultimately ought to be our goal; that is, providing access for more Americans to coverage through our market-based system in this country.

It requires that low-cost, efficient States such as my State of South Dakota are going to be subsidizing high-cost, inefficient States—States such as in the New Jersey, New York area—that are already talking about going to 350 percent or 400 percent of the poverty level, which, as I said earlier, in the case of New York, that would get you up to where you would have those in the income level of over $80,000 a year qualifying and being eligible for a program that is designed to help low-income children and low-income families and, ironically, subjects them to the alternative minimum tax. The alternative minimum tax was a tax put into place in the first place to tax people who are making too much money and not paying enough taxes. That, to me, seems to be a very conflicted message we are sending with this bill.

We need a strong, market-based health care system in this country. We need to start that debate. This debate delays that debate because we are going to be adopting legislation that increases—adds to the government-run component of health care in this country and moves us away from the debate we ought to be having, which is, how

can we improve access for more Americans to affordable health care coverage, where they can own their own coverage, where they don't have to rely on a government system that is inefficient, that is Washington-based, and that is controlled by bureaucrats here in Washington, DC?

We want to put people and patients more in control of health care. This particular bill does not do that. I will be voting no, and I urge my colleagues as well to vote no. I hope we can get to the big debate, the debate we ought to be having; that is, how do we reform the health care system in this country?

With that, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the legislation that will extend and increase funding for the State Children's Health Insurance Program.

One of the very first bills I cosponsored as a new Member of the Senate back in 1997 was the legislation that first established the SCHIP program. I remember Senator HATCH coming to talk to me about this bill and enlisting my support for it. I am very happy I was one of the original cosponsors of the SCHIP bill.

This program provides much needed health care coverage for children of low-income parents who simply cannot afford the cost of health insurance and do not get health insurance through the workplace; yet they make a little bit too much money to qualify for the State's Medicaid Program.

Since 1997, the SCHIP program has contributed to more than a one-third decline in the number of uninsured low-income children. That is a tremendous success. It is hard for me to understand why anyone would vote against an extension, a modest expansion, of what has been such a highly successful and effective program. Today, an estimated 6.6 million children, including more than 14,500 in the State of Maine, receive health care coverage through this program.

Still, as this legislation recognizes, there is more we can do to further decrease the number of uninsured low-income children. While the State of Maine ranks among the top four States in reducing the number of uninsured children, we still have more than 20,000 children who don't have coverage. Nationally, about 9 million children remain uninsured.

Unfortunately, the authorization for the SCHIP program, which has done so much to help low-income children in working families obtain the health care they need, is about to expire. That is why I encourage and I urge all of my colleagues to join me in supporting this legislation.

I commend the Senate conferees on this bill. They did a very good job of coming up with a very reasonable proposal—a proposal that costs less than the House version and yet will make a real difference to low-income uninsured children. I would point out that this is a bipartisan bill. On the cloture vote earlier today, it had overwhelming support, as 69 Senators voted to proceed with the vote on this bill.

The legislation that is before us will increase funding for the SCHIP program by $35 billion over the next 5 years—a level which is sufficient to maintain the coverage for the 6.6 million children currently enrolled, as well as to expand the coverage so that we can reach more children who are currently uninsured. In the State of Maine, the bill before us will allow us to cover an additional 11,000 low-income children who are currently eligible for SCHIP but not enrolled.

The bill also improves the program in a number of important ways. Like Senator DOMENICI, I am very pleased that the bill includes a requirement for States to offer mental health services through their SCHIP program. Treating behavioral and emotional problems and mental illness while children are young—early intervention—can make such a difference. I know from hearings I have held in the Homeland Security and Governmental Affairs Committee that the current systems for providing mental health care to children are woefully inadequate. The result is oftentimes parents are faced with a horrible choice of giving up custody of their children in order to secure the treatment they need for serious mental illnesses. That is a choice no parent should ever have to make.

We also need to improve oral health care, dental health care for children, and this bill will do just that. Despite the demonstrated need, children's dental coverage offered by States isn't always what it should be. Low-income and rural children suffer disproportionately from oral health problems. In fact, 80 percent of all tooth decay is found in just 25 percent of children—80 percent of the problems in 25 percent of the kids. That is simply because they don't have access to oral hygiene, they don't have access to dentists and dental hygienists who could help ensure their health. I am very pleased, therefore, that the bill before us will strengthen the dental coverage offered through SCHIP to ensure that more low-income children have access to the dental services they need to prevent disease and promote good oral health.

Finally, the bill will eliminate the State shortfall problems that have plagued the SCHIP program as well as provide additional incentives to encourage States to increase outreach and enrollment, particularly of the lowest income children.

The bill before us today is the prescription for good health for millions of our Nation's low-income children in working families. That is why I am so disappointed that the President has threatened a veto of this legislation. I just do not understand his decision, and I think it could be a terrible mistake. This important program can simply not be allowed to expire. I urge all of our colleagues to join me in supporting it.

Let me make one final point. I have heard a lot of our colleagues on my side of the aisle argue that we need a far more extensive debate on health care policy in this country, and they are right. But we should not hold the SCHIP program hostage to that broader debate. We do need a broader debate. We need a broader debate on how to lessen the number of uninsured Americans, which now exceeds 45 million Americans. We need a broader debate on how to help our small businesses better afford the cost of health insurance for their employees.

We need a broader debate on how we can effectively use the Tax Code to help subsidize the cost of insurance for those who don't receive insurance through the workplace.

I hope Senate leaders will charge the relevant committees to undertake a couple of months of hearings to bring together the best minds possible and then dedicate a month of debate on the Senate floor to a wide variety of solutions to both promote broader access to health care, to help our uninsured better afford health coverage, and to improve the quality of health care in this country.

That is an important and overdue debate. In fact, the Senator from Louisiana, Senator LANDRIEU, and I have, for several Congresses, introduced a broad health care bill with these goals in mind.

Let us not jeopardize the existence of a successful, effective program for low-income children because we want to have that broader debate. Let's send this bill to the President. Let's urge him to sign it into law, and then let's turn our attention to this long, overdue, much needed debate.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to begin my remarks by noting that, along with my colleagues, I support reauthorization of SCHIP. Unfortunately, the bill before the Senate today is not just an SCHIP reauthorization; it is an SCHIP expansion, based on the following misguided principles:

First, it would turn a program for low-income children into a program for adults as well.

Second, it expands SCHIP to cover children from higher income families.

Third, it covers people already insured, not just the uninsured.

Fourth, it circumvents budget rules to hide a $41 billion cost not paid for under the bill.

I will address the first issue. When we authorized this program in 1997, the Republican-led Congress intended SCHIP to provide health coverage to low-income, uninsured children. Ten years later, the program created for children covers adults.

In fiscal year 2006, 14 States enrolled over 700,000 adults in SCHIP. In fact,

this year, 13 percent of SCHIP funds will go to adults other than pregnant women. For example, Wisconsin covers almost twice as many adults as children under the SCHIP program, spending 76 percent of its SCHIP funds on adults. Illinois spends 62 percent on adults. Rhode Island spends 54 percent on adults. New Jersey spends half of its money on adults.

So what happens under the bill before us? It allows the States, with these existing waivers, to continue enrolling new parents—adults, obviously—at a higher reimbursement rate than Medicaid.

There is no ''a'' in SCHIP. If Congress created SCHIP for low-income children, we in Congress should ensure that is where the funds go; otherwise, we are being dishonest with the American people and we should rename the program.

Second, when the program was created, in 1997, we targeted low-income children whose families earn too much to qualify for Medicaid but not enough to obtain private health insurance. We never intended for all children, regardless of the income of their families, to become dependent on a Government health insurance program. That is not what is happening today.

Eleven States have income thresholds at or above 300 percent of the Federal poverty level. Rather than refocusing SCHIP on low-income children, nothing in the bill prohibits States from increasing eligibility levels above 300 percent of the Federal poverty level.

In fact, the bill grandfathers in the two States with the Nation's highest levels and at a higher reimbursement rate than the rest of the country. Why should Arizonans, my constituents, pay their taxpayer dollars, which are intended for low-income children, to be sent to New York and New Jersey to cover families earning up to $82,600 a year?

I have heard some say over and over again this will only happen if the administration allows it. That is not true.

First, I direct my colleagues' attention to page 82, lines 3 through 11 of the bill. It states there is an exception for any State with an approved State plan amendment or waiver—that is New Jersey—or a State that has enacted a State law—that is New York. There is an exception. So it is not that the President can stop this. The bill provides the exception.

To clarify the policy even further, page 82 includes new language that was not in the Senate-passed bill. This new language reinforces that States should have the flexibility to set their own income eligibility levels, no matter how high, making it nearly impossible for any administration to reject such State requests.

Third, very importantly, the bill guts an August 17 letter issued by the administration designed to make sure that States enroll low-income families first and foremost. They said you have to make sure 95 percent of your low-income, eligible kids are enrolled in the SCHIP program before you can expand it to cover the higher income families. Well, that has been taken out of the bill and the bill guts the provision.

From my analysis, nothing in this bill gives the administration the clear authority to prevent taxpayer dollars from being sent to higher income families. Even the Concord Coalition, a nonpartisan advocacy group, warns that the bill ''fails to target new entitlement spending at those most in need.''

Third, as a result of expanding SCHIP to children from higher income families and some adults, the bill ''crowds out'' private health insurance and substitutes that coverage with government-run, taxpayer-subsidized insurance.

The Congressional Budget Office estimates that 2 million people will drop their private coverage under this bill. For every two individuals added to SCHIP, or Medicaid Program, one drops private coverage. This is why we say it is a step toward government-run health care—you take people with good private health insurance and take them off of the private health insurance roll and substitute in the government health insurance program.

For the newly eligible populations—the people not yet enrolled in the program—CBO shows a one-for-one replacement, meaning that for each 600,000 newly insured individuals, 600,000 individuals go off of private coverage. Is that what we are all about, what we should be doing here? Should Congress not focus on ways to provide health care coverage to the uninsured, rather than to those who already have insurance? Of course, the answer is yes.

Finally, the SCHIP bill is not paid for. Under our rules, we are required to state the cost of a program such as this over 10 years and pay for it over that time period. Under the bill, SCHIP spending goes up every year for 5 years and, all of a sudden, magically, artificially, the spending drops off precipitously, as if there is no more need for it. It basically disappears. Obviously, the reason for that is to circumvent the budget rules and avoid paying for the bill. The assumption, obviously, is artificial and wrong and everybody knows it. The program is, in fact, going to continue out over the full 10 years; it doesn't stop after 5. So you need to make up the last 5 years.

How much does that cost? According to the CBO, $41 billion will be needed to sustain the program for the last 5 years of the 10-year program. In other words, the bill has in it a $41 billion hole. If you fill in that hole over the course of the 10 years, the cost of the bill exceeds $110 billion. That is why some of us appreciate the President's determination to veto the bill as too much spending on a program that has been expanded way beyond its original purpose and is substituting private health insurance coverage for a new government program.

A future Congress will have no other choice than to disenroll millions of children, which will not happen, or more likely, raise taxes to fill that $110 billion cost. Of course, it will be our children who will bear this bill's deficit.

I will conclude where I started. Like everybody else in the Chamber, I support the reauthorization of SCHIP. I don't support its expansion in the way it has been done under this bill. Republicans have offered a fiscally responsible alternative that reauthorizes SCHIP for 5 years, preserving health care coverage for millions of low-income children. It adds 1.3 million new children to SCHIP. It is offset without new taxes or budget gimmicks. It minimizes the reduction in private health coverage by targeting it to low-income children.

We should pass an SCHIP extension and we should work toward a reauthorization, such as the Republican alternative, that is fiscally responsible and upholds SCHIP's original intent. Doing so is a step toward renewing our commitment to America's children.

Mr. GRASSLEY. Mr. President, since the Senate passed the bill the first time, the subject of ''crowd-out'' has become a lot more important in this debate.

Crowd-out is the substitution of public coverage for private coverage. Crowd-out occurs in CHIP because the CHIP benefit is very attractive and there is no penalty for refusing private coverage if you are eligible for public coverage.

On August 17, CMS put out a letter giving States new instructions on how to address crowd-out.

I appreciate the administration's willingness to engage on the issue. I think they have some very good ideas. But I also think there are some flaws in their policy.

States are supposed to cover 95 percent of the low-income kids. But it has been a month since they issued the letter and CMS still cannot explain what data States should be using.

Personally, I think CMS should have answers before they issue policies. And if they still can't a month later, I believe, as the saying goes, they obviously aren't ready for prime time.

So the compromise bill replaces the CMS letter with a more thoughtful, reasonable approach.

The Government Accountability Office and the Institute of Medicine would produce analyses on the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices by States in addressing crowd-out.

Following these two reports, the Secretary, in consultation with States, will develop crowd-out best practices recommendations for the States to consider and develop a uniform set of data points for States to track and report on coverage of children below 200 percent FPL and on crowd-out.

Next, States that extend CHIP coverage to children above 300 percent FPL must submit to the Secretary a State plan amendment describing how they will address crowd-out for this population, incorporating the best practices recommended by the Secretary.

After October 1, 2010, Federal matching payments are not permitted to States that cover children whose family incomes exceed 300 percent of poverty if the State does not meet a target for the percentage of children at or below 200 percent of poverty enrolled in CHIP.

Simply put, cover your low-income kids or you get no money to cover higher income kids.

Now I know some people are obsessed with the State of New York and their and their efforts to cover kids up to 400 percent of poverty.

It seems to come up in the talking points of every person who speaks out against our bill. This bill does not allow any State to go to 400 percent of poverty.

In fact, the bill makes it very difficult for any State to go above 300 percent of poverty; it will make it very difficult for New Jersey, the only State currently covering kids above 300 percent, to continue to do so if they don't do a better job of covering low-income kids.

If you are concerned about the State of New York, don't waste your time looking at this bill. You will not find answers to New York's fate here.

The answer is where it has always been—in the office of HHS Secretary Mike Leavitt. Only he has the authority to allow any State to cover children up to 400 percent of poverty. This bill does nothing to change that authority. It is up to the Secretary.

I heartily encourage those of you who haven't to read the bill. It is all there in black and white.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BOND. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair for 2 minutes so that we may bring in a distinguished visitor.

There being no objection, the Senate, at 6:12 p.m., recessed subject to the call of the Chair, until 6:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—Continued

Mr. GRASSLEY. Mr. President, I think we are ready for closing comments by me as ranking member and Senator BAUCUS as chairman of the committee. Then we will be done with the debate on SCHIP.

Mr. President, first, I thank my colleagues for supporting the vote to move to the consideration of the children's health insurance reauthorization bill so we could avoid a lot of turmoil over getting here where we are to get the business done because I think everybody knows how this is going to turn out.

I appreciate the leadership of Senator REID because he was an honest broker in helping the House to understand what needed to be done in the Senate, and he held a lot of meetings on this subject.

I thank my good friend, the chairman of the committee, the Senator from Montana, Mr. BAUCUS, for his leadership in forging this compromise in a bipartisan way.

I also have to recognize people who sat in on a lot of these meetings and worked hard and are part of this compromise: Senator HATCH and Senator ROCKEFELLER. In particular, Senator HATCH has been a stalwart through this process because he was the leader in creating the Children's Health Insurance Program when it was first inaugurated 10 years ago. The continued leadership he showed was very good and necessary.

I realize some in the majority want to do more than we do in this compromise. I know it wasn't easy for those on the other side of the aisle to convince some of their colleagues that this was the right course. But we have a bipartisan bill in the Senate, and now we have a bill with strong bipartisan support in the House of Representatives. We picked up a massive number of Republicans who did not vote for it the first time in the House of Representatives.

Currently, the SCHIP program covers kids at incomes far beyond what was considered low income in the original statute. It covers parents and, in some States, it even covers childless adults. With this reauthorization, this program will return to its original concept: helping the lowest income kids and not helping adults as the program evolved beyond the perceptions that were there 10 years ago when this bill was written.

Childless adults who are presently on the program will be phased out completely because this is a children's program, it is not an adults program. States will not be able to get enhanced Federal funds if they decide to cover parents. States will only be able to cover higher income kids if they demonstrate that they took care of the purpose of this legislation, which is to take care of the lowest income kids first.

Every financial incentive in this bill discourages States from spending a penny to cover anyone other than low-income children. And all the financial incentives are entirely focused on the lowest income children. All the rhetoric to the contrary notwithstanding, this bill does not expand the program to middle-income families. It refocuses the program on the lowest income children.

Some of the speeches I have heard on the Senate floor, I wonder what good does it do to make these points over and over because it is just that some of my colleagues on the Republican side of the aisle don't read this bill, don't care what we say. This bill does what they think it does, even if it doesn't do it, and they say that on the Senate floor. Those who say otherwise than what I just said have not read the bill. This bipartisan compromise provides coverage for more than 3 million children who are without coverage today.

In closing, I encourage my Republican colleagues to think long and hard about what I said as this debate began and throughout this debate. If this bill is vetoed—and this is what I would like to have the opponents concentrate on—if this bill is vetoed, if at the end of the day all we do is simply extend the program that has been in effect for 10 years, what will we have accomplished? Will adults be gone from this program who were not supposed to be included in it in the first place? No. Will States have a disincentive to cover parents? No. Will States be encouraged to cover low-income kids before higher income kids? No. Will the funding formula be fixed so States are not constantly challenged by funding shortfalls? No. And finally, will we have done anything to cover kids who don't have any coverage today? The answer is, again, no.

I quoted the President making a promise at the Republican Convention in New York. I did that yesterday. I want to state again what the President said. You can't say it too many times. I hope at some time the President remembers what he said:

> We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs.

An extension of law, which is what is going to happen if the President vetoes this bill, will not carry out what the President said at the Republican Convention in New York in 2004.

Faced with that, your answer today on this bill, Mr. President of the United States, should be yes. This bill gets the job done that you said in New York City you wanted to do.

I hope the President's answer will be yes because if he doesn't veto this bill, then we will do those things he said he wanted to do. It will help more than 3 million low-income, uninsured children. About half of the new money is just to keep the program running. The rest of the new money goes to cover more low-income children.

It provides better options for families to afford employer coverage.

It takes even more steps to address crowdouts, so we don't move people from private insurance to government-funded insurance.

It phases adults out of the program because this is a children's program, it is not an adults program.

It discourages States from covering higher income kids.

It rewards States that cover more of the lowest income kids.

It puts the lowest income children first in line for coverage.

Here is what the bill does not do:

It is not a government takeover of the health care system.

It does not undermine our immigration policy.

It is not expanding the program to cover high-income kids.

It is not everything that people on my side of the aisle said it is in debate on the floor of the Senate. It is, in fact, a good bill. It is a compromise. I urge my colleagues to support this bill for kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a lot has been said in this debate. Much of it is not true, but much of it is true. One way to determine what is true and what is not true is, frankly, to listen to the Senator from Iowa. I know of no man or woman whom I believe speaks straighter, more honestly, and calls it like it is than the Senator from Iowa. I guess that is why he is elected by such large margins every time he is up for reelection. It has been such a pleasure to work with the Senator from Iowa because he is so straight, so modest. He tells it like it is, and he has no ulterior motives.

All Senators, especially those on this side of the aisle, should listen to him because what he says is true. When he describes what this bill contains and does not contain, he is accurate. So if a Senator is trying to figure out who is right—because we have heard all kinds of claims on both sides—it is my judgment that what you hear from the Senator from Iowa, you can take to the bank because that is the truth as to what is and is not in this bill.

As we close out this debate on the reauthorization of the Children's Health Insurance Program, I wish to take the time to remind us all what our goals are—and not just our goals but what our duty is as Senators.

Today, the health of many of our Nation's low-income children is in our hands. It is that simple. We hear lots of stuff around here, but the bottom line is, the basic point is, the health of many of our Nation's low-income children is in our hands.

We are here today not only to make sure children who currently have health insurance keep it, but also to make sure that many more low-income children get coverage. This is important because not having health insurance affects a child's life. Uninsured kids do not go to the doctor. They do not have checkups. Uninsured kids remain undiagnosed for serious childhood conditions such as asthma and diabetes. Uninsured children are not diagnosed with learning disabilities, and they struggle through their classes. Kids who do not have insurance do not see a dentist. They don't get cavities filled and risk serious illness due to poor dental health.

Adequate health care is a critical foundation for a healthy life. Insuring our children is a smart economic investment for our Nation's future. It is the only choice if we wish to imbue future generations with strong minds and healthy bodies. It is quite simple. Health insurance has a direct effect on a child's performance in school. Healthy children are more likely to go to school, they are more likely to do well in school, and they are more likely to become productive members of the workforce.

Parents of children with health insurance are less likely to miss days of work to care for their sick children. When America insures our children, we all benefit.

The bill before us reflects a lot of hard work. It represents Democrats and Republicans working together, and I mean that. That is not an idle statement. That is not a throwaway. Both sides are working together. This is one of the few times when both sides, on very important legislation, worked very well together. Why? Because it is the right thing to do.

We worked together to craft legislation that will give millions more American children the healthy start they need for a long productive life.

I hope the President finds it in his heart to reconsider and make the right choice, the only choice. I hope he will join Congress in making our children's future and America's future a brighter one. I hope he thinks, reflects about our country, the greatness of our country when he is trying to decide whether to sign the bill or to veto it.

I have faith, I have hope that when the President of the United States makes that decision, he will realize discretion is the better part of valor; that he will realize the right thing to do is to help our Nation's low-income kids. Further debate about health care reform can be pushed off into the future. That is a separate issue. That has nothing to do with this question.

This country will engage in national health reform. We have to. The President is talking about it. We in the Congress talk about it. That is an entirely separate issue. This is only maintaining a current program enacted in 1997, totally bipartisan. Senator Chafee from Rhode Island and Senator HATCH from Utah worked together to get this bill enacted because it was the right thing to do.

It has been very popular. Nobody has had any questions about children's health insurance. It has worked. Now it has expired. The question is, what do we do about it? This legislation does not change current law in any way. It just maintains the program and provides a few more dollars for more low-income kids to get health insurance, and it does not do anything more than that. That is what this is. It is a separate issue from the national health insurance reform debate, which we will get into and must get into at a later date.

I hope the President of the United States, when he is faced with that decision, will sign this bill and realize this is the right thing to do for kids, and tomorrow is another day when this country appropriately will debate national health insurance reform. But right now, let's help some kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has 11 minutes remaining.

Mr. GRASSLEY. I yield back that time, Mr. President.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 43, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 43) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate equally divided between the leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, in the play ''The Taming of the Shrew,'' Shakespeare wrote: ''There is small choice in rotten apples.''

I feel a little like that whenever we have to raise the debt limit. It is a small choice in rotten apples. The choices are all bad. Really, though, there is no choice.

The legislation before us would increase the limit on the debt issued by the U.S. Government by $850 billion. The House has sent us this legislation. Essentially, we have no choice but to approve it. If we fail to raise the debt ceiling soon, the U.S. Treasury will default for the first time in its history. Plainly, especially in this credit crisis, we cannot let that happen. If we don't raise the ceiling before Monday, Treasury Secretary Paulson will be forced to take special measures to prevent the default from occurring. He feels those actions would create uncertainty in the financial markets. He thinks it would be unwise to add any uncertainty to the financial markets right now, and I agree with that. The markets already have enough uncertainty arising from the foreclosures on subprime mortgages. But there is no way around this. These are some rotten apples.

This increase in the debt ceiling will be the fifth increase during this administration. It increased by $450 billion in 2002, it increased by $984 billion in 2003, it increased by $800 billion in 2004, and it increased by $781 billion in 2006. Today's $850 billion increase in the debt ceiling will be the third largest increase in our Nation's history. The largest increase was the $984 billion hike in 2003. Once today's $850 billion increase is enacted, the fourth largest rise will have been the $800 billion in 2004. The fifth largest increase will have been the $781 billion hike in 2006.

There is no way around it. This is a poor fiscal record. When you add today's $850 billion increase to the previous increases since 2001, the debt ceiling will have increased by almost $4 trillion during this administration. The debt ceiling will have increased from about $6 trillion at the beginning of this administration to about $10 trillion now—$6 trillion at the beginning of this administration, the debt ceiling, will be increased now to about $10 trillion. That is a two-thirds increase in the debt ceiling in 7 years.

Unfortunately, for us today, there is little choice at this moment right now. There are other choices we should be making in this Congress and in this country with respect to our fiscal situation, but today, at this moment, with respect to the debt ceiling, there is little choice. The Government has already borrowed the money that has caused its debt to reach the current ceiling. It has already been borrowed. To keep the Government running, the Treasury now needs to borrow more money. The Treasury cannot do that unless we raise the debt ceiling.

Why is it unfortunate the Government has gone into so much debt? The answer is it lowers the standard of living for future generations of Americans. That is hardly the legacy we should want to leave for our children and grandchildren.

If the U.S. Government borrows money, it competes for funds from the global financial markets. Unless Americans begin to save more, these funds will come from foreign lenders. As a result, we will owe foreigners interest on those funds in future years. Because Americans will have to pay that interest to foreigners, we will have less money to spend on goods and services, and the standard of living for Americans in the future will be lower than it otherwise would be.

It is happening already. It is happening because the dollar is declining. It is declining quite precipitously. Why is the dollar declining? Probably because our fiscal policy has not been very sound. We have been borrowing so many dollars from overseas. Our current account deficit is so large. We have been consuming at such rapid rates that, finally, the chickens are beginning to come home to roost. The dollar is starting to decline, and it is making it very difficult now for Americans, on the margin, to live at the same living standard.

With the dollar declining—and, again, it is declining because foreign investors are starting to think maybe it is wiser to invest their dollars, on the margin, elsewhere—when the dollar declines, that means imports are more expensive and consumers have to pay more than they currently have been paying for those same products. It means American companies are now able to raise their prices to the levels of the more expensive foreign imports. It means, frankly, that average Americans are facing more costs for the same goods.

On the other hand, the most wealthy people in America can invest in foreign currency and take advantage of the dollar. But the average American cannot do so. So what we are doing today, with our very high debt, is essentially lowering our living standards.

Further, the amount of U.S. Government debt held by foreigners is troubling. As of December, 2006, foreigners held an enormous $2.2 trillion of debt issued by the U.S. Government. For example, Japan held $644 billion of U.S. debt, and mainland China held $350 billion.

I might add that a lot of these foreigners are starting to change their investment patterns. They are developing sovereign wealth funds. They are diverting some of their currency holdings. China is a good example. They are not just buying U.S. Treasury notes, bills and bonds, they are starting to do more direct investing around the world. That too is starting to have, on the margin, a slightly negative effect on the dollar.

In December, 2001, foreigners held a total of $1 trillion in U.S. debt. Thus, foreign-held debt has increased from $1 trillion at that time, December 2001, to about $2.2 trillion in December, 2006. That is a 120-percent increase since 2001. Over time, the cumulative interest payments on these holdings will be very large.

The significant foreign holdings of U.S. debt create two more serious problems. The first problem relates to a falling dollar, as I have mentioned. If the dollar falls, the value to foreign holders of U.S.-issued securities falls. If the dollar continues to fall, at some point, foreigners may become scared of further drops. To protect themselves, they may sell their holdings of U.S.-issued securities. And a large sell-off could happen precipitously and cause interest rates in the United States to rise immediately. A recession would likely follow.

I am not saying that is going to happen, but I am saying the probability of that happening is getting greater and greater and greater with the passage of each day.

Today, the dollar is at another all-time low against the Euro, and the Canadian dollar has reached parity with the U.S. dollar for the first time since the 1970s. If the dollar continues to fall, we could see foreigners selling off U.S.-issued securities at some point.

The second problem concerns our national security. Currently, almost 60 percent of U.S. debt held by foreigners is in the hands of foreign central banks or other official foreign government institutions. That amounts to about $1.3 trillion—clearly, an enormous figure.

So what happens if we get into a trade dispute with one of these countries, or a military or diplomatic dispute? The government of one of these countries could prevail upon its official institutions to threaten to sell off some or all of its holdings of U.S.-issued debt. If such an action occurred, it would drive up interest rates in the United States and cause a recession. The threat of such action would give the foreign country significant leverage in its trade or military or diplomatic dispute with the United States, which would be very unfortunate.

Again, I am not saying it is going to happen right away, or it is going to happen at all. But I am saying, given the deterioration of our fiscal situation, it is, on the margin, slowly, inevitably, irrevocably giving these other countries more leverage over us in any policy dispute they may have with us.

The revenue and spending laws that have helped to create the need for this huge jump in the debt ceiling were enacted some time ago. We piled up huge budget deficits in recent years by not having enough revenues to pay for our spending. So the Treasury had no alternative but to borrow funds to make up the difference, because we, obviously, had been spending more than we were taking in. The Treasury, therefore, had to borrow. And that is the problem; it is the added borrowing year after year after year after year in the amounts I have already indicated.

The responsible thing to do right now is to raise the debt ceiling because we have to. This debt ceiling is similar to a credit card. The bill is due. You have to pay what is on the credit card. But the goal is to make sure there aren't future increases in that credit card bill. We have to pay what the credit card bill is. That is the legal obligation. So there is no choice, and it is the responsible thing to do. But it is also the responsible thing to do to reduce the need to raise the debt ceiling again in the future.

We need to stop running annual deficits in our Federal budget. We need to stop cutting taxes when we cannot afford to do so. We need to stop increasing spending when we cannot afford to do so. It is easy around here to cut taxes, it is easy around here to raise spending. Fortunately, we have these pay-go rules now which makes it that much more difficult to do, and we have to basically heed the basic principles behind pay-go.

The beginning of the retirement of the baby boom generation next year will create needs for even more spending. Our ability to achieve balanced budgets will become more difficult. Nonetheless, we ought to balance the budget. It is the right thing to do. It would send the right signals in so many ways all across the country and around the world that we are getting our act together and living within our means. It is such a powerful force, in my judgment. We have to do it, otherwise we are going to keep piling up more and more debt and the dollar is going to potentially continue to fall, and living standards will continue to fall for Americans. So let us raise the debt ceiling now because we have no choice. But let us also work together to balance the budget in years to come. That is the only way we can keep from

having to enact more increases in the debt limit in the future. When it comes to that burden as well, there is no choice either.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the current law is that we have a statutory limit on the amount of money the Federal Government can borrow, and that has to be reconsidered from time to time. The legal limit applies to the money borrowed from individuals, private investors—such as banks and pension funds—as well as money borrowed from other governmental programs that are in surplus—such as Social Security and Medicare, or what we call intergovernmental borrowing.

Increasing the debt limit is necessary to preserve the full faith and credit of the United States of America. Without an increase in this limit, our Government will face a choice between breaking the law by exceeding the legal limit or breaking faith with the investors by defaulting on debt. Neither of those choices is acceptable, and we have never done them.

Critics sometimes object to raising the debt limit on grounds that it will allow the Government to borrow more money, but refusing to raise the debt limit is akin to refusing to pay your individual credit card bill after you have already gone shopping and bought something. We cannot pass tax bills and spending bills and then refuse to pay our bills. The time to control the debt is when we are voting on bills that actually create that debt.

Raising the debt limit is about meeting the obligations we have already incurred, it is that simple. We must meet our obligations. So I urge my colleagues to support this increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senate is now considering a measure to further increase the Federal debt limit. This is further confirmation of the Bush administration's failed fiscal record. It represents now the fifth time the President has come to Congress asking for more debt.

We all know we have no choice in this matter. These are debts that have already been accrued. The question before us is: Do we pay the bills of the United States or do we fail to do so? If we failed to cover our borrowing, if we failed to pay the bill, the creditworthiness of the United States would be called into question and there would be a run on the dollar. There would be economic chaos. So we have no choice, and I hope that colleagues on both sides will take up this responsibility.

We all remember that when the Bush administration came into office, the President said this:

> My budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

That is what the President told us then.

We are now able to look at the record. What we see is quite different from what he asserted then. Instead of paying down the debt, the debt has exploded on his watch. Here are the increases in the debt that have been enacted and requested by this President.

First of all, perhaps it is instructive to go back to the period 1998 to 2001, during the previous administration, when there were no increases in the debt. In fact, we were paying down the debt. Then, in 2002, this President asked for and got a $450 billion increase in the debt limit; followed in 2003 by the largest increase ever, $984 billion; followed by $800 billion in 2004, $781 billion in 2006, and now, this year, another $850 billion. This is the debt President. The debt limit of the United States will have been increased, under his direction, by almost $4 trillion.

This chart shows the dramatic deterioration in the budget picture under the fiscal policies of this President. We were in surplus. In fact, we had even stopped, under the previous administration, taking Social Security funds to pay other bills. Under this administration, the deficit skyrocketed and the debt has grown geometrically.

Despite all the assertions of fiscal responsibility, this President has increased Federal spending from $1.9 trillion to $2.7 trillion a year, an increase of nearly 50 percent.

On the war alone—and this puts in perspective the war costs—you will recall the President told us that the war would cost $50 billion. We are at $567 billion and counting. Now we hear of a request for another $42 billion on top of the $147 billion that was allocated this year.

President Bush has indicated and his administration has told us that we should expect a ''Korea-like'' presence in Iraq. Here is what this would mean, according to the Congressional Budget Office. So far, the war in Iraq and Afghanistan has cost $567 billion. CBO tells us a ''Korea-like'' presence would mean an additional $1 trillion in the period 2009 to 2017, and from 2018 to 2057, another $1 trillion, for an addition of $2 trillion to the $567 billion already committed. So the war that was supposed to cost $50 billion is now headed for $2.5 trillion, if we maintain a ''Korea-like'' presence, as called for by the President.

On the revenue side of the equation, where we hear so much from our colleagues about the dramatic improvement in revenue, what you will notice in all of their charts is they just look at the last couple of years. They don't look back to when this administration started. But what you see is real revenues, adjusted for inflation, were $2.03 trillion back in 2000. This year, real revenues are $2.13 trillion. Revenue has been basically stagnant in this country for 6 years.

So when you dramatically increase spending and revenue is stagnant, guess what happens. The debt soars. That is precisely what has happened under this President—from $5.8 trillion in 2001 to a now anticipated $8.9 trillion at the end of this year. This President has run up the debt in a record way. He truly will claim the mantle and the legacy as the debt President.

Not only has he dramatically run up our debt domestically, he has also dramatically increased foreign holdings of our U.S. debt. When he came into office, there was just over $1 trillion of U.S. debt held abroad. In other words, it took 42 Presidents 224 years to run up $1 trillion of U.S. debt held externally. This President has more than doubled that amount in just 6 years, to almost $2.2 trillion. The result of all of that is we now owe Japan over $600 billion, we owe China over $400 billion, we owe the United Kingdom over $200 billion, we owe the ''oil exporters'' over $100 billion, and on and on it goes. We are now truly in need of the kindness of foreigners because if they do not float this boat, if they don't provide the financing for this debt, the United States would be in even deeper trouble. Can you imagine if all of a sudden the Chinese, the Japanese, the British, and the rest decided not to extend us additional credit, additional loans? The interest rates in this country would jump. It would put us into a recession, and we would be in deep trouble. So we are in debt and we are beholden and we are dependent on the kindness of strangers.

Here is what the head of the Federal Reserve has warned us on the danger of growing debt. He said this before the Senate Budget Committee on January 18:

> Ultimately this expansion of debt would spark a fiscal crisis which could be addressed only by very sharp spending cuts or tax increases or both . . . [T]he effects on the U.S. economy would be severe. High rates of government borrowing would drain funds away from private capital formation, and thus slow the growth of real incomes and living standards over time.

The recklessness of this administration in managing the fiscal affairs of this Nation is clear and compelling. It could not be more apparent.

Tonight is one more confirmation of the disastrous consequences of the fiscal policy of this President. He is the debt President. With the action that will be required to be taken tonight, he will have added nearly $4 trillion to the debt position of our Nation. That is a sad legacy, and future generations are going to pay an enormous price for this profligacy—spending without a willingness to pay for it, simply putting it on the charge card, shoving the debt off to future generations, and all the time claiming to be fiscally responsible.

The actions of Congress tonight, responding to the request of the President to once again expand the debt limit by hundreds of billions of dollars—in fact, tonight, by $850 billion in

one fell swoop—should tell us all we must have a new direction for the fiscal course of this country.

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. COBURN. 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. COBURN. Mr. President, this evening we have a choice to make that is a true reflection of whether this body has been listening to the American public. We are about to increase the amount of money we can borrow against our children's future by $850 billion. That is almost $1 trillion. What does that say about us? That we can't do what we ask every other American family to do, which is live within our means. It is not about parties. Both parties are guilty. But it is about priorities, and it is about choices.

Many of us know that our approval rating is at an alltime low—11 percent. We have a chance tonight to change that. We have a chance tonight to raise that. We have a chance tonight to prove to the American people that we are listening.

A new Gallup Poll put it this way:

> Americans now express less trust in the Federal Government than at any time in the past decade and trust in many Federal Government institutions is now lower than it was during the Watergate era, generally recognized as the low point in American history for trust in the Federal Government.

Think about that. How is it that we got ourselves to that position? How did we slip to a level below the Watergate era?

Mr. SANDERS. Will my friend yield?

Mr. COBURN. I would like to finish my statement, and then I am be happy to yield to the Senator from Vermont.

One reason is Americans believe we are totally out of touch with the realities they live with every day in terms of budgeting and spending. What I often hear in this body, both by statement and by action, is that we really do not have to choose between two priorities because we can do both. The American people can't do both, but we can do both. How can we do both? What we do is we ignore the choices we have and lay our responsibility on generations to come. That is how we do both. We do not do what is required of us in terms of oversight, eliminating fraud, eliminating duplicative programs, eliminating programs that do not work, that have no metrics. That, by the way, comes to $200 billion worth of fraud, waste, and abuse which has been documented, every year, that we spend, that we are not working on, we are not trying to eliminate. But what we are about to do, because we failed to do that, we are about to increase the amount which our children and grandchildren are going to have to repay.

The problem is there is nobody outside this body who thinks that way—only inside. In the real world, people have budgets they have to live within. Their choices have consequences, and we choose to make the consequences happen to our children and grandchildren rather than accept the consequences. What has made this country great has been the heritage of sacrifice we have seen by multiple generations that have come before us. We are now denying that heritage, as we in this body refuse to accept the responsibility placed on us to make hard choices.

Tonight, we are going to have a vote and we are going to raise the debt limit and we are going to really say: Children, we don't have the courage to do what we need to do, whether it is raise taxes or cut spending or both. We don't have the courage to do that. But we are cowardly enough to shift it off onto you.

That is what it really is. We don't want to go against interest groups that are invested in something that isn't working. We don't want to eliminate the $53 billion a year that is estimated to be fraud in Medicare and Medicaid. We don't want to do anything with the excess 41,000 properties the Federal Government owns that cost us $18 billion a year but we won't do anything with them. We will not do what is necessary and sacrifice so that we can secure the future.

We are going to raise the debt limit because both parties, mine and the leadership party, have refused to restrain spending.

This will be the sixth time since 1997 that the debt limit has been raised. At the same time, earmark spending has skyrocketed. It is over half a trillion dollars in the last 10 years. There are no competitive bids on earmarks, no accountability, no followup, just gifts. Some are great priorities, but there is no system of economic controls.

My own party did a lot to create this mess. In 2005, 82 of my colleagues said building a bridge in Alaska was more important than repairing the bridges in Louisiana.

We said that. This body said that. Last week I asked my colleagues to make a number of choices. I offered an amendment that said until we fix our at-risk bridges and our high-risk highways that will account for 13,000 deaths a year, we ought to delay earmarks until we make that a priority. We lost that vote 82 to 14.

I offered an amendment to prohibit funding on bike paths and horse trails until we have done the same thing. We lost that amendment 80 to 18. I also attempted to strike funding for a peace garden, construction of a new baseball stadium, and a visitor's center, bipartisan amendments. We chose to say, no, we can do that rather than build and restore our highways and bridges.

What is as bad as the choices we make are the choices we ignore. And that is the very real need to do extremely heavyhanded oversight on the waste, fraud, and abuse that occurs every day within the Government that we supposedly have our hands on.

I know we could cut discretionary spending by at least 10 percent. Okay? That is $100 billion a year if we got together and said we are going to work on these programs together. But we are not going to do that. What we are going to do is keep pointing fingers at one another rather than at ourselves and raise the debt limit.

We are not going to do that hard work. I believe the American people are sick of it. Families across America do not have the luxury of loaning themselves new money when they have maxed out their credit. But that is what we are going to do. There is no credit limit for us. One is coming. It is coming as we have seen the price of the dollar fall recently. We will certainly see it fall further in the future. There is going to be a cost.

What this vote means is, instead of using this year's appropriations cycle to trim waste, to decrease spending, reduce the national debt, all we have done is made the problem worse.

First, we have not passed any bills through Congress. The bills that are in conference, with the exception of one, are at 5 to 6 to 7 percent above last year's spending level. So we have admitted we cannot do it. Only weeks after passing a brandnew ethics law, the Senate has now decided it is okay to add new earmarks in authorizing bills. We have also decided that instead of making sure we know the identity of earmarks, how much money it is, what is it going for, and who is going to get it, we only say: I am offering it, and I do not have any pecuniary interest in it. What we told the American people was a sham. We are not doing what we said we were going to do.

Instead of spending our time trying to figure out how to continue to raid the Federal Treasury without getting caught, I believe we ought to be doing our job. Congress should pass individual appropriations bills at a level less than last year, with the waste, the fraud, abuse, and duplication out of them. But we are not going to do that.

The vote on the debt limit gives Congress another opportunity to demonstrate to the American public that we do have the courage and the ability to fix what is wrong with this ship. By voting for this debt limit, what you are telling the American people is, you do not have the courage to fix what is wrong here. We do not have the courage to do the oversight that is necessary.

Whether it is the $40 billion worth of waste, at least, a year in the Pentagon, or the $43 billion a year wasted on Medicare and Medicaid through fraud, or the $18 billion we are spending on buildings that we do not want, we do not have the courage to do that.

What we should be doing is tearing up the credit card and, through not passing an expansion or extension of the debt limit, start acting like every other American family has to do and start making the hard choices even if it offends some of our constituents, because the constituents who matter the most, as we continue the heritage of this country of creating opportunity, are our children and grandchildren.

My real hope is this debt limit expansion does not pass tonight, that we all get to reflect on that; we come together, Democrat and Republican, and say: We have not done a good job. Let's

make a pact that we are going to do the oversight, that we are going to cut the programs, that we are going to lower spending. It does not matter what President Bush wanted. We have the power of the purse. We can decrease spending.

Will we do that? Unfortunately, my belief is we will not because, quite frankly, we are interested in the next election more than we are interested in the next generation, and to that, shame on us.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a couple of comments. I will not take a long time.

I have to observe that there was a time when there was substantial courage in this Chamber. I recall we had some very large budget deficits growing over a long period of time, and we passed a new fiscal policy. I was here then some long while ago. It passed by one vote in the Senate and one vote in the House. That took some courage. Some people who cast those votes did not come back here, because they were very controversial votes.

But we turned our fiscal policy around in this country by making tough choices. We turned the Federal budget deficit into a Federal budget surplus and began paying down the Federal debt. In 2001, on this floor, in this Chamber, we had a debate about fiscal policy again. A new President came to the White House. President Bush said he was a conservative.

He said: Well, now, we have all of these surpluses. He and his friend, Alan Greenspan, were worried that the biggest problem facing America was that we were going to pay down our debt too rapidly. The President and the White House said: We have got all of these surpluses. Let's decide to give the wealthiest Americans some large tax cuts because I believe in trickledown economics. Put a lot in the top, and see if some will drain down a bit.

Some of us stood on the floor of the Senate and said, you know what, we have just finally turned this economy around, turned these huge budget deficits around. The plan under the Clinton administration worked, and we turned big deficits into big surpluses and began to pay down the Federal indebtedness.

Some of us stood on the floor of the Senate and said: Mr. President—to President Bush—maybe we ought to be a bit conservative. What if something happens? These big surpluses for the next 10 years do not yet exist. Yes, there is a surplus now, but we do not have a 10-year surplus that exists. That is the projection. What if something happens? Why do we not be a bit more conservative in how we deal with this?

The President and his supporters said: No. No. No. What we are going to do is we are going to give very large tax cuts to the wealthiest Americans. We want to do it right now. They won. They had the votes to win, and they turned this economy around, all right. They turned budget surpluses, in a period where we were actually paying down the Federal debt, into some of the largest Federal deficits in this country's history—once again, unbelievable.

So when I hear people talking about courage, let me say we had some courage on the floor of the Senate. I am proud to have been one of them who cast a vote that passed by one vote, that turned around this country's fiscal policy. And now we leave an example of a fiscal policy that was reckless, one of the most reckless fiscal policies I can ever imagine, given to us in 2001 by a new President who said he was conservative but who was not.

In fact, my colleague just described what we are spending and not paying for. Yesterday in the Senate Appropriations Committee, President Bush sent his Defense Secretary, he sent the Assistant Secretary of State, he sent the Chairman of the Joint Chiefs of Staff, to ask us for another $189 billion to prosecute the war in Iraq and Afghanistan. And, oh, by the way, the President said: I do not intend that we pay for any of that; put that right on top of the debt. We are going to charge it all.

That is the direction this White House is leading. That is what brings us to the floor of the Senate tonight, with a fiscal policy that has rung up an enormous amount of additional debt; the worst possible fiscal policy you can imagine.

You know what happened? Some of us said, maybe we ought to be a little bit conservative, a little bit careful. The President said: No. No. No. We are not going to do that. We are going to take these 10 years of estimated surpluses and we are going to spend them with tax cuts.

Here is what happened very quickly. We were in a recession. The President likes to say he inherited the recession. He did not. But very shortly after he took office, we experienced a recession. Then we experienced the terrorist attack of 9/11, and then a war in Afghanistan, then a war in Iraq, then an economic slowdown.

Would not it have been smarter to have a fiscal policy that was a bit more careful, one that would have given a bit more thought about how to best care for this country's finances? I know it is easy to blame. I watched today as we had people come to the floor of the Senate blaming this, that, and the other thing. It is easy to take the negative. I understand that. Mark Twain was once asked if he would engage in a debate. And he said: Oh, sure, as long as I can take the negative side. Somebody said: We have not told you the subject. He said: Doesn't matter. If I take the negative side, it will take no preparation.

So I understand those who come to the floor of the Senate and tell us what is wrong. But I can tell you about a fiscal policy that was right, because I supported it and am proud to have done it some years ago, that turned big deficits into budget surpluses and began paying down the Federal debt. That is the kind of fiscal policy we need. It is the kind of fiscal policy we had, and this administration and those who supported it in this Chamber turned their back on it 6 years ago. Now we have paid the price for those votes.

I hope those who describe these issues remember, remember what a good fiscal policy was and how to recapture it once again. Yes, it take a little political courage. Those of us who supported a fiscal policy that works understand how it worked when it happened.

We have a lot to be thankful for, living in this great country of ours; only one spot like it on the planet. We have responsibilities that are very significant here in this Chamber. There is plenty wrong with this country, plenty of things that need fixing. But it is a wonderful place that requires our stewardship to do the right thing. I only came to the floor as I listened this evening to point out that we have seen good fiscal policy and bad fiscal policy. I, and I think many others, recognize the difference. If all of my colleagues will recognize that difference, we can put this country back on track once again. That is what the American people deserve and expect from us.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before I discuss this legislation, I want to express my thanks to the distinguished minority leader, Senator MCCONNELL, as well as the chairman and ranking member of the Finance Committee, Senators BAUCUS and GRASSLEY, for their cooperation in facilitating consideration of this legislation. I also want to thank Treasury Secretary Paulson for his leadership.

We are taking up this legislation at the request of the Bush administration so that the Federal Government can meet its obligations and pay its bills. Secretary Paulson, in a letter to me earlier this month, indicated that it was essential that the Senate pass this legislation as soon as possible. This will be the fifth increase in the debt limit since President Bush came to office.

I find it distasteful and disturbing to increase the debt limit yet again, but the alternative is simply unthinkable. Eventually, some Social Security checks could not be sent. Government offices could close. Interest rates could rise. And the economic impact on our

country could be profound. As a practical matter, therefore, we have no choice.

Having said that, President Bush's failed policies put us in this box, and as we consider the pending bill, I hope my colleagues will focus on the importance of changing those policies. Over the past several years, the administration has completely abandoned fiscal discipline and dramatically increased our debt. Until we change the policies that led down this path, we will be back year after year, digging the hole ever deeper.

Let's review some history. When President Bush came to office, our Nation was running record budget surpluses and our debt was on the decline. In 2000, we ran a surplus of $236 billion, and the outlook was for continued surpluses for years to come. In fact, the Chairman of the Federal Reserve at the time, Alan Greenspan, was so optimistic about our fiscal condition that he thought we might quickly eliminate our debt altogether.

Unfortunately, once President Bush took office, our fiscal situation rapidly collapsed. In 2001, our debt was $5.8 trillion. Today, it's $9 trillion, an increase of more than $3 trillion. Compounding matters, all this new borrowing has come at the worst possible time, just as the baby boom generation is about to retire.

Not only has our debt exploded, but increasingly we are borrowing from foreigners. In fact, since President Bush took office, our debt to foreigners has more than doubled. Many of our creditors are in places like China and Japan. And as we borrow more and more from those abroad, we also become more dependent on them. It is a trend that cannot and must not be allowed to continue.

It's no mystery why debt has exploded. President Bush abandoned the pay-as-you-go rules that proved so effective in promoting fiscal discipline. He increased spending by 50 percent. And he approved massive tax breaks, disproportionately for multimillionaires and special interests.

Much of the spending has been for our disastrous occupation of Iraq. The war has already cost the lives of almost 4,000 Americans. But while our brave men and women in uniform bear, by far, the greatest burden, all American taxpayers are paying a price. We have already spent roughly half a trillion dollars on President Bush's failed policy. Now the President is asking for nearly $200 billion more.

How does the President propose to pay for all this new spending in Iraq? He doesn't. He just wants to keep putting it on the national credit card.

The same is true of the President's massive tax breaks for multimillionaires. Next year, President Bush wants to spend nearly $50 billion just to hand out tax breaks for those fortunate enough to earn more than $1 million a year. These lucky few will get a windfall worth an average of $130,000 each. Most hard-working, middle-class families would be grateful for a fraction of that.

And how will we finance all these lavish tax breaks for multimillionaires? Again, by putting them on the national credit card. In other words, our children will pay.

If only the President were as willing to provide kids with health care as he is willing to load them with debt.

As you know, the administration claims to have seen the light on fiscal responsibility, and has cited the need for discipline to justify their opposition to the children's health bill. But how much would the legislation add to the debt? $200 billion? $20 billion? No. The answer is: zero. Nothing. It is fully paid for.

In other words, the President is willing to borrow half a trillion dollars and more for Iraq. But he is opposing a children's health bill that won't add anything to the debt.

To put it mildly, those priorities are wrong. The American people know it. And most of my colleagues do, as well.

Clearly, we need to change course. And this debt limit bill is just another reminder of that.

Fortunately, the new Congress already has made real progress in the effort to provide a new direction. Earlier this year, we passed a budget resolution that balanced the budget without raising a penny of taxes. The budget put the middle class first and focused on America's needs here at home. All in a responsible way, while reestablishing strong pay-as-you-go rules to enforce fiscal discipline.

Our new budget was an important first step. But we have a long way to go to change fiscal policy to where it needs to be. Ultimately, it is going to take bipartisan effort, and I look forward to working with colleagues on both sides of the aisle to make it happen. Meanwhile, while it is not a pleasant task, we have no choice but to pay our bills.

Mrs. FEINSTEIN. Mr. President, I rise today to express my disappointment for having to vote yet again to increase the national debt limit. The Senate has been forced to take this vote on five occasions under this administration. In the intervening 6 years, the national debt has exploded by almost $3.4 trillion, or 61 percent.

The national debt now stands at $9 trillion.

To put this in terms that most of us can understand, this amounts to roughly $30,000 owed by every American.

Unfortunately, the debt forecast shows no signs of improving.

Over the next 5 years, the debt is projected to reach $11.3 trillion. By 2017, the Congressional Budget Office projects this figure will hover around $13 trillion. In this year alone, our national debt is slated to increase by almost $600 billion.

Maintaining this debt is not free. The interest charged on the amount we have borrowed grows each and every day. And, the more we borrow, the more we pay in interest.

Over the next 10 years, the interest payments on the national debt are projected to total $2.8 trillion. This year, interest payments on the debt will reach $235 billion.

This means less money for the programs that matter most for working Americans.

Congressional Democrats have demonstrated a commitment to fiscal responsibility by passing pay-as-you-go budget rules that require Congress to offset new spending.

This Congress has worked to find ways to pay for major priorities—such as the extension of the Children's Health Insurance Program, which I hope will pass today in the Senate with a bipartisan, veto-proof majority.

The fact that the Senate must vote, yet again, to increase the national borrowing limit begs the question: Why are we here?

Misguided tax policies are one of the reasons we are considering this measure today.

The President has presided over the greatest fiscal reversal in our Nation's history. He inherited a budget surplus of $236 billion from President Clinton, the largest surplus in American history.

He took that surplus and sunk it into expensive tax cuts at a cost of more than $1.3 trillion to date and $3 trillion over the next decade.

But what I find most frustrating, is that these tax cuts have come in the midst of significant military campaigns in Iraq and Afghanistan.

Never in the history of this Nation have we enacted significant tax cuts during a time of war.

We have dipped into the pockets of our children and grandchildren and ''charged'' the costs of these wars to a National credit card.

When you combine the cost of the debt-financed tax cuts with spending for the military operations in Afghanistan, Iraq, and the global war on terror—currently approaching $610 billion—the inevitable result is that our Federal budget is squeezed, while our crushing debt continues to grow.

The reality is, even under a best-case scenario, we are years and hundreds of billions of dollars away from a full redeployment of American troops from Iraq.

The President will soon request another $190 billion in supplemental funding for operations in Iraq and Afghanistan. And it is no longer unrealistic to suggest that operations there might cost upwards of $1 trillion before all is said and done.

Year after year, supplemental after supplemental, we continue borrowing to pay for these wars.

In real terms, the cost is over $350 million per day. Almost $15 million per hour; $250,000 per minute; or $4,000 every second.

We must recognize the mistakes of the past few years and understand that

you cannot have your cake and eat it too.

As we approach a $10 trillion debt limit, it is essential to look forward for solutions. Where do we go from here?

We start with responsible spending. While I support targeted tax cuts to help working families, it is time to allow the tax cuts for the wealthiest Americans to expire.

It would be unfair and irresponsible to not do so.

We need solutions to shore up our strained entitlement programs, such as Social Security and Medicare, as the retirement of baby boomers looms.

We need to adequately fund children's health and education programs and invest in the future of our young people.

We need to focus on foreign diplomacy to repair our reputation as a global leader.

We need to invest in homeland security and other domestic programs that will keep America safe and increase productivity.

Most importantly, we need to start planning for the future today.

Every day that we wait, hundreds of millions of dollars are spent, the debt increases, vital programs are under funded, and the cycle continues. We must do better.

I understand the political realities of this vote.

However, it is important to recognize the consequences of this measure failing. Not increasing the debt limit could result in the government defaulting on its obligations, exacerbating already shaky credit markets across the globe.

So while I urge my colleagues to join me in supporting the measure to once again raise the debt limit, it is also my hope that my colleagues will join me in seeking real and permanent solutions to our Nation's fiscal problems.

Tax cuts, ''staying the course,'' and not addressing the future of our most critical entitlement programs are sometimes politically appealing policies, but they are also not responsible.

Responsible policies come from making the difficult choices that put America's future first.

This Congress must exhibit leadership in breaking with the traditions of the last few years to put our Nation's fiscal house in order.

Mr. FEINGOLD. Mr. President, today we are again forced to consider legislation to raise the Nation's debt limit. It is obvious to anyone that we are here because of the grossly reckless fiscal policies that have been advanced by the administration and Congress for nearly 6 years.

Over those 6 years we have seen a dramatic deterioration in the Government's ability to perform one of its most fundamental jobs—balancing the Nation's fiscal books. In January of 2001, the Congressional Budget Office projected that in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. Nearly 6 years later, we are staring at almost a mirror image of that 10-year, $5 trillion surplus, except that instead of healthy surpluses, under any reasonable set of assumptions, we are now facing immense deficits and mounting debt.

We absolutely cannot afford to continue to run up these massive deficits. Doing so causes the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation. Every dollar we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer Government benefits.

But inside this dark cloud of dismal fiscal news there is a silver lining; namely, the restoration of the so-called ''pay-as-you-go'' budget rule, known as pay-go, as part of the budget resolution we adopted this year. That rule was central to the ability of the Congress to balance the Federal budget in the 1990s, and the return of that commonsense discipline gives us a better chance to clean up the fiscal disaster the current administration created. Unlike the last time Congress had to raise the debt limit for this administration, we now have pay-go back in place.

In some ways, today's vote to raise the debt limit ratifies the actions taken by the administration and Congress to stick future generations with an immense credit card bill. Had we not restored the pay-go rule recently, I may well have decided not to support this measure.

Fortunately, pay-go has been reinstated, and we will be better able to return to the path of fiscal responsibility we abandoned a few years ago. And because of that, I will support this measure, made necessary by the profligate policies of President Bush, and egregiously aided and abetted by the last three Congresses.

Mr. BAUCUS. Mr. President, all time for debate on the debt limit has been utilized. In the interest of giving Senators some notice to get here in time for a vote, I alert all Senators that we will probably begin the vote first on the children's health insurance bill and, following that, the debt limit. That will begin sometime between 7:20 and 7:25. So within about 5 minutes we will begin voting on the children's health insurance plan.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.J. Res. 52, the Senate resume consideration of H.R. 1585 and resume amendment No. 2999; that the amendment be modified with the changes at the desk, that there be 2 minutes of debate divided in the usual form; that upon the use of the time, the amendment be agreed to and the motion to reconsider be laid upon the table; that the Senate then resume Coburn amendment No. 2196, and there be 10 minutes of debate prior to a vote in relation to the amendment; that no amendment be in order to the amendments in this agreement; that the time be equally divided and controlled between Senators Levin and Coburn or their designee; and upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that immediately after disposition of the Coburn amendment, the Senate proceed to Menendez amendment No. 2972, and that after the amendment is reported by number, there be 6 minutes of debate equally divided and controlled between Senators LEVIN and MENENDEZ, or their designees; that upon the use or yielding back of time, without further action, the Senate proceed to vote with respect to the amendment; that upon disposition of the amendment, that the managers' package which has been cleared by the managers, be considered and agreed to; that the Senate proceed to vote on the motion to invoke cloture on amendment No. 2011, the substitute amendment; that Members have until 8:15 p.m. tonight to file any germane second-degree amendments; that if cloture is invoked on the substitute, then all time postcloture be considered expired at 5:30 p.m. this coming Monday, October 1; that upon adoption of the substitute, the bill be read a third time, and without further action, the Senate proceed to vote on passage of the bill; that the cloture motion on the bill be withdrawn; that upon passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, I just wanted to ask the majority leader if I am correct in that if this is entered into, there will be no votes tomorrow, and the next vote will be late Monday afternoon?

Mr. REID. Yes. The first vote will be Monday at approximately 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution is set aside.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of

the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

The motion to concur with the amendments is withdrawn.

The question is on agreeing to the motion to concur.

Mr. CONRAD. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Illinois (Mr. OBAMA) 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 67, nays 29, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—67

Akaka	Feinstein	Nelson (FL)
Alexander	Grassley	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Bingaman	Hutchison	Reid
Bond	Inouye	Roberts
Boxer	Johnson	Rockefeller
Brown	Kennedy	Salazar
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Corker	Lugar	Warner
Dodd	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

NAYS—29

Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich
Craig	Isakson	

NOT VOTING—4

Biden	McCain
Brownback	Obama

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I am pleased that this bill has passed with such a substantial vote.

This bill now goes to the President. I hope the President will be persuaded by the strong bipartisan support this bill has and will sign the bill.

As it customary, I want to thank the staff who have worked so hard to produce this bill.

From the House: Bridgett Taylor, Amy Hall and Andy Schneider.

From Senator BAUCUS's staff: Russ Sullivan, Bill Dauster, Michelle Easton, and Alice Weiss, and avid Schwartz.

I would like to thank my staff: Kolan Davis, Mark Prater, Mark Hayes, Becky Shipp, Rodney Whitlock, Steve Robinson, Shaun Freiman, and Sean McGuire.

Thanks as well to Senator HATCH's staff, Pattie DeLoatche, and thanks to Senator ROCKEFELLER's staff: Jocelyn Moore and Ellen Doneski.

Finally, I want to extend deep appreciation to the congressional support agencies on which Members and our staff rely.

From the Office of Legislative Counsel, thanks to Ed Grossman, Jessica Shapiro, and Ruth Ernst.

From the Congressional Research Service, thanks to Richard Rimkunas, Chris Peterson, Elicia Herz, April Grady, and Evelyne Baumrucker.

From the Congressional Budget Office, thanks to Director Peter Orszag, Tom Bradley, Eric Rollins, and Jeanne De Sa.

Again, I strongly urge my colleagues to vote in favor of this bill.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time, the question is on passage of H.J. Res. 43, increasing the statutory limit on the public debt.

Mr. DURBIN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) 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 53, nays 42, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—53

Akaka	Enzi	Murkowski
Barrasso	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bennett	Grassley	Reid
Bond	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cantwell	Hatch	Schumer
Cardin	Inouye	Shelby
Carper	Johnson	Snowe
Casey	Kennedy	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Levin	Sununu
Conrad	Lieberman	Vitter
Corker	Lott	Warner
Domenici	Lugar	Whitehouse
Dorgan	Martinez	Wyden
Durbin	McConnell	

NAYS—42

Alexander	Dodd	McCaskill
Allard	Dole	Menendez
Bayh	Ensign	Mikulski
Bingaman	Graham	Nelson (NE)
Boxer	Harkin	Pryor
Brown	Hutchison	Reed
Bunning	Inhofe	Salazar
Burr	Isakson	Sanders
Chambliss	Kerry	Sessions
Coburn	Klobuchar	Smith
Cornyn	Kohl	Tester
Craig	Lautenberg	Thune
Crapo	Leahy	Voinovich
DeMint	Lincoln	Webb

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The joint resolution (H.J. Res. 43) was passed.

The PRESIDING OFFICER. The motion to reconsider is laid on the table.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 52, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes.

The Senate proceeded to consider the joint resolution.

EXTENDING THE MEDICARE SECTION 508 PROGRAM

Mr. SPECTER. Mr. President, Senator CASEY and I, along with our colleagues, Senators STABENOW, CONRAD, LAUTENBERG, SCHUMER and DORGAN, filed an amendment to H.J. RES. 52, the appropriations continuing resolution for fiscal year 2008, to extend the Medicare section 508 program for 2 years. For a considerable period of time, there have been a number of hospitals in Pennsylvania and across the country that have been suffering from low Medicare wage index reimbursement, which has caused them great disadvantage in comparison to surrounding areas. Hospitals in these counties are surrounded by MSAs—metropolitan statistical areas—with higher Medicare reimbursements, and as a result, a flight of critical medical personnel occurs as hospitals are not able to provide employees with competitive wages.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Committee chairman CHARLES GRASSLEY and ranking member MAX BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. Section 508 was included in the bill, which provided $300 million per year for 3 years to increase funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates. As part of the Tax Relief and Health Care Act, which was signed into law on December 20, 2006, a 6-month extension of the section 508

Medicare wage index program until September 30, 2007, was included.

Mr. CASEY. I thank my colleague, Senator SPECTER, for his important work over the years on this issue, and I greatly appreciate our collaboration since I have taken office to find both an immediate and a long-term solution to the wage index problem. This issue is critical to ensuring that health care is available to Pennsylvanians and all Americans in areas that are being underfunded by the Medicare wage index reimbursement system. Further complicating this issue are the exceptions to the Medicare wage index regulations. Since 1987, exceptions have been created to the wage index program for rural facilities, new facilities and others. In fact, in 1999, Congress passed legislative reclassifications for specific hospitals to allow selected facilities to move to a new MSA and receive greater Medicare reimbursement. While these reclassifications have improved funding for those hospitals, hospitals that did not receive improved funding are being further disadvantaged.

Mr. CONRAD. I, too, want to lend my support for a 2-year extension of the Medicare section 508 hospital program. As the chairman and ranking member well know, I worked within the Finance Committee during the Medicare Modernization Act to create this vital program. For too long, Medicare has shortchanged Rural States, like North Dakota, in the wage index formula by not accurately reflecting real wages. Furthermore, the reclassification system has been biased towards urban areas and has failed to take into account the rural health care system experience where service areas overlap and facilities routinely compete across several hundreds of miles for professional staff. The section 508 program has helped to somewhat level the playing field for these hospitals—allowing them to improve their wages and make other significant investments—but its continuation is critical to ensuring the financial viability of many hospitals in North Dakota. The Congress must pass Medicare legislation this fall that includes a 2-year extension of the section 508 program.

Mr. BAUCUS. I appreciate the leadership my colleagues have shown on this important issue. Extending the section 508 program is a priority of the Finance Committee. Unfortunately, an agreement could not be reached to include this provision in this bill.

Mr. GRASSLEY. I thank my colleagues for introducing this amendment. This program provides vital funding for many hospitals including those in Iowa, and I was very disappointed that the House blocked our attempt to extend this program. It is unfortunate. Extending this program, however, does not address fundamental problems related to the wage index system. As mandated under the Tax Relief and Health Care Act of 2006, the Medicare Payment Advisory Commission, MedPAC, released their report examining an alternative Medicare wage index methodology. The legislation also requires the Secretary of Health and Human Services to propose revisions to the wage index in the fiscal year 2009 Medicare hospital inpatient prospective payment system proposed rule. I look forward to considering this proposal as we continue our work to make Medicare hospital payments more equitable.

Ms. STABENOW. I also wish to thank Senators SPECTER and CASEY for raising this issue. We have worked together to ensure the continuation of 508 while we work to ensure that Medicare reimbursement more adequately reflects our hospitals' true costs. Section 508 funding has provided crucial assistance to a number of hospitals in my State, although I note that there are still inequities in the reimbursement system that must be corrected.

Mr. SCHUMER. Mr. President, I am, like my colleagues, strongly in favor of extending the section 508 program. This is a critical program for some New York hospitals, and I appreciate the chairman's commitment to include the extension in future Medicare legislation.

Mr. LAUTENBERG. I would also like to thank the chairman and ranking member for their leadership on this issue and Senators SPECTER and CASEY for their continued support. Without an extension of the section 508 program, hospitals in New Jersey stand to lose over $22 million. These hospitals cannot afford to sustain this loss and still provide the care needed to New Jersey residents. I look forward to working with my Senate colleagues to provide an extension of this important program.

Mr. DORGAN. I thank Senators SPECTER and CASEY for raising this issue. Extending the section 508 program is critical for many North Dakota hospitals and is an important step to address the long-standing inequities in Medicare payment between urban and rural providers. I appreciate the commitment of the chairman and ranking member of the Finance Committee and look forward to working with them to see that this extension is enacted.

Mr. CASEY. I thank the chairman and ranking member of the Finance Committee for their support on this issue. The House of Representatives has already moved forward to pass legislation that would extend this program. This program is scheduled to expire on September 30, 2007, and action to extend the program for 2 years must be taken. Mr. Chairman, I appreciate our conversations about this issue in which you expressed your commitment to working to pass an extension to the section 508 Medicare wage index program this fall that will also make hospitals whole to the date of expiration.

Mr. SPECTER. I understand that the Senate is likely to take up legislation which will include a number of Medicare provisions during this session of Congress. I would appreciate the assurance of the chairman and ranking member of the Finance Committee that any Medicare related legislation that is considered by the Senate this session include a 2-year extension of the section 508 program that is retroactive to October 1, 2007.

Mr. BAUCUS. I assure my colleagues that I am committed to working to address concerns about this issue as part of any Medicare related legislation that may come before the Senate.

Mr. GRASSLEY. I look forward to working with Chairman BAUCUS and other Finance Committee members to address this issue.

Mr. SPECTER. I thank my colleagues and look forward to working with them on this issue.

Mr. CASEY. I thank my colleagues as well and look forward to resolving this issue.

EAS

Mr. CARDIN. Mr. President, with regard to the fiscal year 2008 continuing resolution that the Senate is taking up today, I would like to pose a question to the Senators from West Virginia and Washington. It is my understanding that the Commerce Committee has drafted a bill to reauthorize the Federal Aviation Administration, FAA, and that bill, S. 1300, should reach the Senate floor this session. That bill includes language with regard to Essential Air Service, EAS, to extend the state-determined mileage waiver. I thank the Committee for its work on that provision as it affects an airport in my State, as well as airports in South Dakota and Pennsylvania. In the interim, I would like to clarify that it is the intention of the Appropriations and Commerce Committees that EAS support continue for the airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA along with the other airports nationwide that will continue to receive EAS funding through the Continuing Resolution today. I would direct this question to the chairman of the Commerce Subcommittee on Aviation Operations, Safety & Security if it his intent to continue EAS support for airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA?

Mr. ROCKEFELLER. Yes. We do hope to pass the full FAA authorization this session, and it contains the EAS mileage waiver. In the interim, it is the intent of the Committee that EAS funding should continue to these airports.

Mr. CARDIN. I would further like to get the views of the chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies on this matter.

Mrs. MURRAY. This continuing resolution provides funding for the Essential Air Service program at the current rate with the expectation that the program shall continue to function as it is functioning now. We expect the Department of Transportation to avoid any major policy decisions that can impact

this program during the period of the continuing resolution—especially given the fact that there is already legislation reported out of committee and awaiting Senate action that addresses the continuation of air service to these communities.

Ms. MIKULSKI. I commend my colleague from Maryland for addressing this issue. I am a member of the Appropriations Committee and I, too, understand that the Committee intends to continue EAS funding under the continuing resolution to airports in Maryland, South Dakota, and Pennsylvania that currently receive it.

Mr. SPECTER. This issue also affects an airport in my home State, in Lancaster, PA. Based on the provisions in the full FAA authorization, I agree that it is the intent of the committee that EAS funding should be extended to the airports currently affected by the EAS state-determination mileage waiver.

Mr. JOHNSON. An airport in Bookings, SD, is also affected by the state-determination mileage waiver. So I am pleased to hear from all of my fellow appropriators that EAS funding should continue uninterrupted to the affected airports.

Mr. CARDIN. I thank all of my colleagues—both those responsible for the FAA reauthorization and those responsible for appropriating the funding for EAS—for making it clear that they expect the airports in Hagerstown, Lancaster, and Bookings to receive EAS funding under the continuing resolution.

Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2008 fiscal year without having enacted any of the appropriations bills for that year. I am even more disappointed that we are about to vote on a continuing resolution that provides tens of billions of dollars to continue the misguided war in Iraq but does not include any language to bring that war to a close. We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be giving the President a blank check to continue a war that is hurting our national security. For that reason, I will be voting against this resolution.

Mr. COCHRAN. Mr. President, I would like to take a moment to speak about the continuing resolution on which the Senate will soon vote. The resolution itself is a reasonable product that is largely the result of bicameral, bipartisan discussions. The resolution will allow the day-to-day functions of our Government to continue and will provide at least some of the additional funding that is necessary for our troops in Iraq and Afghanistan to execute the mission with which they have been tasked. It is also worth noting that the resolution does not attempt to use its inherent leverage to force any significant or controversial policy changes. I urge my colleagues to support passage of the resolution.

But as we come to the end of the fiscal year, I must express my deep concern about the lack of progress toward enacting the appropriations bills. This lack of progress is not the fault of the Appropriations Committee. Under Chairman BYRD's leadership, the committee reported all twelve bills in ample time to be considered by the full Senate over the course of the summer. But for whatever reason, to date the Senate has passed only four of the twelve regular appropriations bills, and prospects for consideration of the remaining bills appear uncertain at best.

Last year, under Republican leadership, the Senate failed to send all but two of the appropriations bills to the President. We were roundly criticized for this, and rightly so. As a result we left Federal agencies to limp along on a continuing resolution for 5 months, and were then presented with a full-year, formula-driven joint funding resolution to which no Senator had an opportunity to offer amendments. That is a process that I hope will not be repeated. No Senator should want that.

We simply need to buckle down and do our work. It is true that the President has said he will veto many of the appropriations bills based on his concerns about spending levels. It seems that there are people on both sides of the aisle and both ends of Pennsylvania Avenue who feel strongly about that question, and who are quite anxious to have that debate. But we can't have the debate if we don't call up the bills. The President can't veto what we haven't presented to him, and Congress can't vote to uphold or override a veto that never gets executed.

I understand that completing action on the remaining bills seems like a daunting task. But I know of no better way to complete such a task than to roll up our sleeves and get to work. I am pleased to hear the majority leader suggest that next week we will consider the Defense and the Commerce-Justice-Science appropriations bills. This is good news. I urge my colleagues to offer their amendments promptly when these bills are called up and to recognize that the opportunity to offer amendments to the subsequent bills is dependent on completing action on the pending bills.

It is particularly critical that we complete action on the Defense appropriations bill and the supplemental appropriations necessary to support the men and women in our Armed Forces and our diplomatic corps. While I am encouraged that we may consider the regular Defense appropriations bill next week, I am seriously concerned about reports that Congress may not consider a supplemental appropriations bill for the global war on terror until next year. While the continuing resolution we will pass tonight contains some ''bridge'' funding to support the troops through November 16, is an inadequate amount for the longer term.

As directed by Congress, the President submitted an FY 2008 war supplemental request in February. We expect to receive an amendment to that request any day. The Appropriations Committee held a hearing on these requests on Wednesday, and should be prepared in short order to act on legislation to fund our troops in the field. Delaying consideration of such legislation until next year is simply unacceptable. We have spent the last 2 weeks, and much of this Congress, in earnest and often useful debate on Iraq war policy. Amendments have been offered and votes have been taken. Deeply felt disagreements remain.

But the fact is that we have tens of thousands of American men and women in Iraq and Afghanistan performing the mission that their Government has assigned to them. The new fiscal year is upon us, and it is time for us to get on with the business of providing our men and women in uniform the resources they need to perform that mission successfully. To try to change American policy in Iraq by slowly starving our troops of those resources is unfair, and it is dangerous to American interests.

I urge the Senate to both forge ahead to complete action on the regular appropriations bills and to act promptly to provide our troops with the supplemental funds that they need.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. SANDERS. Is there a sufficient second? There appears to be a sufficient second.

The question is on the third reading of the joint resolution.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on passage of the joint resolution.

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 New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) 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 94, nays 1, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—94

Akaka	Coburn	Grassley
Alexander	Cochran	Gregg
Allard	Coleman	Hagel
Barrasso	Collins	Harkin
Baucus	Conrad	Hatch
Bayh	Corker	Hutchison
Bennett	Cornyn	Inhofe
Bingaman	Craig	Inouye
Bond	Crapo	Isakson
Boxer	DeMint	Johnson
Brown	Dodd	Kennedy
Bunning	Dole	Kerry
Burr	Domenici	Klobuchar
Byrd	Dorgan	Kohl
Cantwell	Durbin	Kyl
Cardin	Ensign	Landrieu
Carper	Enzi	Lautenberg
Casey	Feinstein	Leahy
Chambliss	Graham	Levin

Lieberman	Pryor	Stabenow
Lincoln	Reed	Stevens
Lott	Reid	Sununu
Lugar	Roberts	Tester
Martinez	Rockefeller	Thune
McCaskill	Salazar	Vitter
McConnell	Sanders	Voinovich
Menendez	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shelby	Whitehouse
Murray	Smith	Wyden
Nelson (FL)	Snowe	
Nelson (NE)	Specter	

NAYS—1

Feingold

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The joint resolution (H.J. Res. 52) was passed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. 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. REID. I ask unanimous consent to withdraw the order that relates to Senator MENENDEZ on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I also ask unanimous consent that the next votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1585. Cloture having been invoked on amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, the pending motion to commit with instructions offered by the Senator from Nevada, Mr. REID, falls.

Amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, having been adopted, amendment No. 2064, offered by the Senator from South Carolina, Mr. GRAHAM, falls.

Mr. WARNER. Mr. President, may we have order?

AMENDMENT NO. 2999, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2999, as modified further. The 2 minutes of debate are evenly divided. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to briefly say how proud I am that this amendment has been worked out, and I express my appreciation, both to the senior Senator from Virginia for having helped us work this out and also to my colleague from Missouri who did such a great job on the floor yesterday, managing the bill. I yield the rest of our time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, ''We intend to see that no man or corporate group shall profit inordinately on the blood of the boys in the foxhole.''

That is what Senator Harry Truman said as the Truman committee began its work. I think Harry Truman would be very proud of the Senate tonight. I, too, thank the senior Senator from Virginia for his willingness to sit down and work this out, along with Senator LEVIN for all of his support. I think this commission can do important work in a bipartisan way to fix some problems, to make sure we get contracting under control whenever our men and women are in danger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my colleagues from Missouri and Virginia, Senators MCCASKILL and WEBB.

The amendment was carefully reviewed by myself and others on this side. We made several recommendations. Each of those recommendations were accepted. We indicate for the record that the amendment is accepted on this side. I ask that we have a voice vote.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The Amendment (No. 2999), as further modified, is as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

Mr. LEVIN. Mr. President, let me add my commendation to Senators WEBB and MCCASKILL and the others who fought so hard for this amendment. The heart of this amendment has remained. There have been some changes in it. But the substance of this amendment, the crying need for a commission to look into the contract abuses and waste and fraud is very strong. This amendment is going to do some important work for the country and for the next time we are in a situation where we have such massive spending as we have in this war.

Mr. President, I ask unanimous consent—I have cleared this with my friend, Senator WARNER—that we vitiate the vote on the Menendez amendment—that has been done? Fine.

Mr. WARNER. Mr. President, I further ask unanimous consent that we may have printed in the RECORD at this point such other statements relative to the changes that we deem appropriate to support this amendment, including a document dated September 25, 2007, by the Deputy Secretary of Defense subject: ''Management of DOD Contractors and Contract Personnel Accompanying U.S. Armed Forces in Contingency Operations Outside the United States.''

This is a step by the Deputy Secretary to correct some of the problems that this commission will be addressing. It underlies the necessity for the commission that these two Senators and others have advocated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, September 25, 2007.

MANAGEMENT OF DOD CONTRACTORS AND CONTRACTOR PERSONNEL ACCOMPANYING U.S. ARMED FORCES IN CONTINGENCY OPERATIONS OUTSIDE THE UNITED STATES

Defense contractors fulfill a variety of important functions for the Department of Defense, both inside the United States and abroad. These functions encompass vital support to our military forces engaged in combat operations in Iraq and Afghanistan to include security for convoys, sites, personnel and the like.

While investigations are still ongoing and no findings of wrongdoing determined, recent events regarding non-DoD contractors performing security service in Iraq have identified a need to better ensure that relevant DoD policies and processes are being followed. This review is applicable for all policies and processes to manage DoD contractors accompanying U.S. armed forces in contingency operations outside the United States. DoDI 3020.41, ''Contractor Personnel Authorized to Accompany the U.S. Armed Forces,'' is the comprehensive source of policy and procedures concerning DoD contractor personnel.

Geographic Combatant Commanders are responsible for establishing lines of command responsibility within their Area of Responsibility (AOR) for oversight and management of DoD contractors and for discipline of DoD contractor personnel when appropriate. Accordingly, addressees will ensure the consistency of their implementing guidance for policies outlined in DoDI 3020.41 and ensure contracts being executed within an AOR require DoD contractors to comply with the respective geographic Combatant Commander's guidance for the AOR including, for example, Rules on the Use of Force (RUF).

DoD contractor personnel (regardless of nationality) accompanying U.S. armed forces in contingency operations are currently subject to UCMJ jurisdiction. Commanders have UCMJ authority to disarm, apprehend, and detain DoD contractors suspected of having committed a felony offense in violation of the RUF, or outside the scope of their authorized mission, and to conduct the basic UCMJ pretrial process and trial procedures currently applicable to the courts-martial of military servicemembers. Commanders also have available to them contract and administrative remedies, and other remedies, including discipline and possible criminal prosecution.

Under the Military Extraterritorial Jurisdiction Act (MEJA), federal jurisdiction exists over felony offenses committed outside the U.S. by contractor personnel of any federal agency or provisional authority whose employment relates to supporting the DoD mission. Implementing guidance under this Act is included in DoDI 5525.11, ''Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members,'' and military department regulations. This instruction requires DoD coordination with the Department of Justice for the return to the U.S. of contractor personnel subject to MEJA for prosecution.

Pursuant to these authorities, addressees as appropriate will:

1. Ensure that all required clauses are included in DoD contracts when contract performance requires contractors and contractor personnel to accompany U.S. forces in contingency operations.

2. Verify that all DoD contractors ensure that their personnel authorized to carry weapons as security personnel or for personal protection have been properly trained and licensed for the weapons they are authorized to carry and appropriately trained on the applicable RUF.

3. Provide appropriate discipline for unauthorized possession, carrying, or discharging weapons.

4. Ensure that instructions have been issued to their command and to their contractors to prevent contractor personnel who are suspected of having committed a felony act or of having committed an act in violation of the RUF from being allowed to leave the country until approved by the senior commander in the country or until an investigation is completed and a decision is rendered by the flag officer court martial convening authority. Officials of contracting firms who arrange for, facilitate, or allow such personnel to leave the country before being cleared will be subject to disciplinary action under either UCMJ or MEJA.

5. Review periodically the existing RUF and make any changes necessary to minimize the risk of innocent civilian casualties or unnecessary destruction of civilian property.

6. Require DoD contractors performing security services to provide to the Combatant Commander copies of their Standard Operating Procedures (SOPs) and guidance to their contractor personnel on escalation of the use of force, the use of deadly force, and on the rules for interaction with host country nationals who may be present and/or potentially involved in a situation perceived by contractor personnel as a potential threat to their mission or to themselves. Require that such SOPs and guidance be modified as necessary to be consistent with the RUF.

7. Review periodically the guidance and authorization for DoD contractor personnel to possess and carry weapons.

Over the past several months, the Department has been developing and staffing additional guidance regarding this UCMJ disciplinary authority over persons serving with or accompanying the armed forces during contingency operations. The UCMJ authority referenced in this memorandum remains in effect until modified by promulgation of such additional guidance.

Mr. WARNER. I think we are prepared to vote.

The PRESIDING OFFICER. Under the previous order, the amendment has been agreed to.

Mr. WARNER. 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.

AMENDMENT NO. 2196

The PRESIDING OFFICER. The next question is on amendment No. 2196, offered by Senator COBURN. Ten minutes will be evenly divided.

Mr. COBURN. Mr. President, this is a very simple amendment. We voted to increase the debt limit. We have a project that the Department of Justice, the DEA, and all the other drug enforcement agencies say is ineffective.

I am going to give you some quotes from the people who worked there and what they had said. Former official of the Drug Czar's office put it bluntly: ''We see nothing from this.''

The former, most recently resigned, Director: ''I recognize that many of the reports were god-awful, poorly written, poorly researched, and in many cases just plain wrong.''

Jim Milford, former NDIC Deputy, admitted: ''I have never come to terms with the justification for the NDIC, and the bottom line is we actually have to search for a mission.''

These are good people who work there. It is not about them. It is about whether we are going to be prudent with the money we spend. They have one program that is effective. It is called DOCX. The problem with it being where it is, is it cannot be applied there, it has to be applied at other drug intelligence centers and the other DEA centers throughout the country.

The administration, the Department of Justice, the DEA and all the other drug centers, especially the one in El Paso, is where this information ought to be processed.

We have spent half a billion dollars and gotten very little return. It is a recommendation that we have a chance to do something. We have a chance to eliminate a program that is not effective by any metric that the Government has applied or the former Directors have applied or the Deputy Directors have applied who have worked there, saying it is not effective.

My hope is this body will approve this amendment and start us down the road of eliminating programs that are ineffective.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield half the time in opposition to the Coburn amendment to the two Senators from Pennsylvania, half to Senator SPECTER and half to Senator CASEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, will you advise me when the 2½ minutes have expired?

The PRESIDING OFFICER. Yes.

Mr. SPECTER. Mr. President, contrary to the arguments of the Senator from Oklahoma, the National Drug Intelligence Center has been functioning since 1993 and has never been challenged on this floor in any respect. It has not been challenged until today because it has performed so well.

Yesterday I had printed in the RECORD the extensive compliments

which have been paid by the FBI in an expansive letter on November 21, 2001, by DEA, the Drug Enforcement Agency; on June 21, 2006, by FBI field offices around the country, including Tampa, Detroit, and Charlotte, by U.S. attorneys around the country. It has performed with very strategic results. It is important to decentralize operations such as the National Drug Intelligence Center. Everything does not have to be in Washington. It costs about a third to do it in Johnstown as it would in Washington.

When the Senator from Oklahoma says it ought to be in El Paso because all the drugs come from El Paso, that is simply not true. Drugs come into this country from Miami, from New York, from Detroit, from California. They come from everywhere.

It has been in existence for 14 years and is functioning successfully. It is not a minor matter that it has 340 jobs. Johnstown has become accustomed to having this. Johnstown, as is well known historically, has had its tough time with two major floods. It doesn't deserve another flood by having this body saying the office ought to be removed at this time.

I yield to my distinguished colleague from Scranton, PA.

Mr. CASEY. I wish to reiterate much of what Senator SPECTER already said. This center is providing important law enforcement services right now, helping out on international drug trafficking, which helps out in the fight against terrorism.

If we came to this floor every week and talked about what some Government agency said about a particular facility such as this, we would be having these votes all the time. I was the auditor of Pennsylvania. I know a lot about waste, fraud, and abuse. I know how to find it and root it out. But I also know you cannot take one Government agency's word for it. This center is providing an important service right now, in crime fighting, in keeping local law enforcement working with the Federal Government.

It is an important facility in the State of Pennsylvania. There are people there who are working hard in Johnstown, PA. This is a diversion from some other things we have been doing.

This is very important that we support this kind of facility. All the answers do not reside in Washington, DC. There are some people out there who know how to fight crime, some people out there who know how to root out and crack down on drug trafficking.

This center plays that role. I urge my colleagues to vote against this amendment.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 3 minutes 11 seconds.

Mr. COBURN. What you did not hear is what is the mission of the NDIC. It has no mission. That is the problem. The agency running this center says it should be closed—for very good reasons. It does not have an international mandate. They have had people fired because they are doing things that are outside of what restricted mission they have.

The one program that works is DOSX, and those people who are functioning with DOSX have to go to wherever the information is, which they are extracting in the investigation. None of that is done in Johnstown. So if they travel, it doesn't matter where they start.

The point is, the people who work there, who have run it, the people who are managing it, and the rest of the Drug Enforcement Agency and the rest of our drug intelligence says it has no mission. It has accomplished very little. I rest my case and would appreciate a vote.

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 the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware Mr. (BIDEN) the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) 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 (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 69, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—26

Alexander	Dole	Lugar
Allard	Ensign	Martinez
Barrasso	Enzi	McConnell
Bunning	Feingold	Rockefeller
Burr	Graham	Sessions
Carper	Grassley	Sununu
Coburn	Inhofe	Thune
Cornyn	Kyl	Vitter
DeMint	Lott	

NAYS—69

Akaka	Durbin	Murkowski
Baucus	Feinstein	Murray
Bayh	Gregg	Nelson (FL)
Bennett	Hagel	Nelson (NE)
Bingaman	Harkin	Pryor
Bond	Hatch	Reed
Boxer	Hutchison	Reid
Brown	Inouye	Roberts
Byrd	Isakson	Salazar
Cantwell	Johnson	Sanders
Cardin	Kennedy	Schumer
Casey	Kerry	Shelby
Chambliss	Klobuchar	Smith
Cochran	Kohl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Tester
Craig	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The amendment (No. 2196) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 2902, 3000, 3041, 3073, 2127, AS MODIFIED; 3088, 2983, 3076, 2991, 2989, 3081, 3078, 3104, 2133, 3077, 2265, AS MODIFIED; 3087, 2954, 2049, 2101, 2261, 2074, 2000, 2161, 2925, 2912, 2066, 2984, AS MODIFIED; 3075, AS MODIFIED; 3089, AS MODIFIED; 3090, 2993, AS MODIFIED; 2872, AS MODIFIED; 2214, AS MODIFIED; 2942, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, I call up the managers' package at the desk. This package has been agreed to in our unanimous consent agreement. This is the package that is referred to in that unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2902

(Purpose: To provide for an enhancement of the utility of the Certificate of Release or Discharge from Active Duty of members of the Armed Forces)

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

AMENDMENT NO. 3000

(Purpose: To provide for the relocation of the Joint Spectrum Center in Annapolis, Maryland, to Fort Meade. Maryland, and the termination of the existing lease for the Center)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall

be terminated, as contemplated under Condition 29.B of the lease.

AMENDMENT NO. 3041

(Purpose: To protect small high-tech firms)

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

AMENDMENT NO. 3073

(Purpose: To provide for transparency and accountability in military and security contracting)

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively, and a brief description of the functions performed by these persons.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) A method for tracking the number of persons who have been killed or wounded in performing work under such contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence should make their best efforts to compile the most accurate accounting of the number of civilian contractors killed or wounded in Iraq and Afghanistan since October 1, 2001.

(c) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions; or

(2) place contractors in supervisory roles over United States Government personnel.

AMENDMENT NO. 2127, AS MODIFIED

On page 236, line 8, strike ''and accounting for'' and insert ''accounting for, and keeping appropriate records of''.

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike ''(C)'' and insert ''(D)''.

On page 236, beginning on line 15, strike ''for the reporting of all incidents in which—'' and insert ''under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—''.

On page 236, line 19, strike ''or''.

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike ''(D)'' and insert ''(E)''.

On page 236, line 23, strike ''investigating—'' and insert ''the independent review and, where appropriate, investigation of—''.

On page 236, line 25, strike ''(C)'' and insert ''(D)''.

On page 237, line 4, strike ''(E)'' and insert ''(F)''.

On page 237, line 8, strike ''(F)'' and insert ''(G)''.

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals and military; and

On page 237, line 16, strike ''(ii)'' and insert ''(iii)''.

On page 237, line 16, strike ''rules of engagement'' and insert ''rules on the use of force''.

On page 237, line 18, strike ''and'' at the end.

On page 237, line 19, strike ''(G)'' and insert ''(H)''.

On page 237, line 21, strike the period at the end and insert the following: ''; and

(I) a process by which the Department of Defense shall implement the training requirements referred to in subparagraph (G)(ii).

(3) AVAILABILITY OF ORDERS, DIRECTIVES, AND INSTRUCTIONS.—The regulations prescribed under subsection (a) shall include mechanisms to ensure the provision and availability of the orders, directives, and instructions referred to in paragraph (2)(G)(i) to contractors and subcontractors referred to in that paragraph, including through the maintenance of a single location (including an Internet website) at or through which such contractors and subcontractors may access such orders, directives, and instructions.

On page 238, beginning on line 15, strike ''and accounting for'' and insert ''accounting for, and keeping appropriate records of''.

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike ''(iii)'' and insert ''(iv)''.

On page 239, line 4, strike ''or''.

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike ''comply with—'' and insert ''are briefed on and understand their obligation to comply with—''.

On page 240, line 3, strike ''rules of engagement'' and insert ''rules on the use of force''.

AMENDMENT NO. 3088

(Purpose: To require a report on medical physical examinations of members of the Armed Forces before their deployment)

At the end of title VII, add the following:

SEC. 703. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

AMENDMENT NO. 2983

(Purpose: To modify authorities relating to the Office of the Special Inspector General for Iraq Reconstruction)

At the end of subtitle C of title XV, add the following:

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

''(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.''.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any

United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after ''pay rates'' the following: '', and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)''.

AMENDMENT NO. 3076

(Purpose: To require a report on family reunions between United States citizens and their relatives in North Korea)

At the end of subtitle C of title XII, add the following:

SEC. 1234. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

AMENDMENT NO. 2991

(Purpose: To require the Secretary of State and the Secretary of Defense to prepare reports assessing capabilities to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities)

At the end of title XII, add the following:

SEC. 1234. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the ''responsibility to protect'' doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to ''Operation Artemis'', the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, ''international intervention force'' means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

AMENDMENT NO. 2989

(Purpose: To provide accurate monitoring and tracking of weapons provided to the Government of Iraq and other individuals and groups in Iraq)

At the end of title XV, add the following:

SEC. 1535. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term ''small arms'' means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special

mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

AMENDMENT NO. 3081

(The Amendment is printed in today's RECORD under ''Text of Amendments.)

AMENDMENT NO. 3078

(Purpose: Relating to administrative separations of members of the Armed Forces for personality disorder)

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces''includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

AMENDMENT NO. 3104

(Purpose: To express the sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet)

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

(a) FINDINGS.—Congress makes the following findings:

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

AMENDMENT NO. 2133

(Purpose: To modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index)

At the end of subtitle F of title VI, add the following:

SEC. 683. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the

basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

AMENDMENT NO. 3077

(Purpose: Relating to the Littoral Combat Ship program)

At the end of subtitle C of title I, add the following:

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called ''concurrent design-build'' strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on ''bid realism'' in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is repealed.

AMENDMENT NO. 2265, AS MODIFIED

On page 299, line 7, strike ''fifth fiscal year'' and insert ''fourth fiscal year''.

On page 299, line 9, strike ''fifth fiscal year'' and insert ''fourth fiscal year''.

AMENDMENT NO. 3087

(Purpose: To require reports on the utilization of tuition assistance benefits by members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components of the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

AMENDMENT NO. 2954

(Purpose: To increase the amount authorized to repair, restore, and preserve the Lafayette Escadrille Memorial in Marnes-la-Coquette, France)

At the end of title X, add the following:

SEC. 1070. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking ''$2,000,000'' and inserting ''$2,500,000''; and

(2) in subsection (e), by striking ''under section 301(a)(4)''.

AMENDMENT NO. 2049

(Purpose: To modify the effective date of applicability of he commencement or receipt of non-regular service retired pay)

On page 155, beginning on line 18, strike ''the date of the enactment of this subsection'' and insert ''September 11, 2001''.

AMENDMENT NO. 2101

(Purpose: To enhance education benefits for certain members of the reserve components)

At the end of subtitle E of title VI, add the following:

SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

''§ 16131A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

''(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

''(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established

charges shall be determined on the following basis:

''(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the person's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

''16131A. Accelerated payment of educational assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

''§ 16162A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

''(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

''(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the member's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

''16162A. Accelerated payment of educational assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking ''for two continuous years or more.'' and inserting ''for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

''(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance

under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

''(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

''(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

''(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

''(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

''(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

''(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

AMENDMENT NO. 2261

(Purpose: To extend the period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives)

At the end of subtitle E of title VI, add the following:

SEC. 673. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting ''or the period beginning on October 1, 2007, and ending on September 30, 2014,'' after ''December 31, 2001,''.

AMENDMENT NO. 2074

(Purpose: To modify the time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations)

At the end of subtitle E of title VI, add the following:

SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

AMENDMENT NO. 2000

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation and to modify the date of paid-up coverage under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 656. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),''; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 657. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

AMENDMENT NO. 2161

(Purpose: To repeal the annual limit on the number of Reserve Officers' Training Corps scholarships under the Army Reserve and Army National Guard financial assistance program)

At the end of subtitle D of title V, add the following:

SEC. 555. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking ''not more than 416 cadets each year under this section, to include'' and inserting ''each year under this section''.

AMENDMENT NO. 2925

(Purpose: To provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees).

At the end of subtitle D of title VI, insert the following:

SEC. 656. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking ''except that'' and all that follows and inserting ''except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

''(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(B) A qualified retiree receiving veterans' disability compensation at the rate payable

for a 100 percent disability by reason of a determination of individual unemployability.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 2912

(Purpose: Relating to increases in charges and fees for medical care)

At the end of title VII, add the following:

SEC. 703. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

SEC. 704. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 705. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

AMENDMENT NO. 2066

(Purpose: To provide for the retention of reimbursement for the provision of reciprocal fire protection services)

At the end of title X, add the following:

SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking ''Funds'' and inserting ''(a) Funds''; and

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

''(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.''.

AMENDMENT NO. 2984, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the ''National Center for Human Performance''. Nothing in this section shall be construed to convey on such institute status as a center of excellence under the Public Health Service Act or as a Center of the National Institutes of Health under Title IV of such act.

AMENDMENT NO. 3075, AS MODIFIED

At the end of subtitle C of title XV, add the following:

SEC. 1535. IMPROVISED EXPLOSIVE DEVICE PROTECTION FOR MILITARY VEHICLES.

(a) PROCUREMENT OF ADDITIONAL MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR ARMY OTHER PROCUREMENT.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $23,600,000,000 may be available for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles.

AMENDMENT NO. 3089, AS MODIFIED

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''Transitional health care'' and inserting ''Except as provided in paragraph (6), transitional health care''; and

(2) by adding at the end the following new paragraph:

''(6) A member who has a medical condition relating to service on active duty that warrants further medical care shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

''(C) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (B) to the medical and dental care referred to in that subparagraph.''.

AMENDMENT NO. 3090

(Purpose: To enhance the computation of years of service for purposes of retired pay for non-regular service)

At the end of subtitle D of title VI, add the following:

SEC. 656. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''before the year of service that includes October 30, 2007; and''; and

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

''(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.''.

AMENDMENT NO. 2993, AS MODIFIED

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON THE CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

It is the Sense of Congress that it should be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

AMENDMENT NO. 2872

Subtitle D—Iraq Refugee Crisis

SEC. 1541. SHORT TITLE.

This subtitle may be cited as the ''Refugee Crisis in Iraq Act''.

SEC. 1542. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

(1) aliens described in section 1543 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1544(b) may apply and interview for admission to United States as special immigrants.

(b) SUSPENSION.—The Secretary of State, in consultation with the Secretary of Homeland of Security, may suspend in-country processing for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives. The Secretary of State shall submit a report to the Committees of jurisdiction outlining the basis of such suspension and any extensions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (I) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a);

(B) contain an assessment of in-country processing that makes use of videoconferencing; and

(C) describe the Secretary of State's diplomatic efforts to improve issuance of entry and exit visas or permits to United States personnel and refugees.

SEC. 1543. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

(1) Iraqis who were or are employed by, or worked for the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State in coordination with the Secretary of Homeland Security that they are or were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents who are not accompanying or following to join and sons, daughters, and siblings of aliens described in paragraph (1) or section 1544(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Department of State with the concurrence of the Department of Homeland Security as a persecuted group, and have close family members (as described in section 201 (b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.— The Secretary of State and the Secretary of Homeland Security are authorized to identify other Priority 2 groups in Iraq.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in section 1543 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Department of State and relevant intelligence agencies.

(d) Aliens under this section who qualify for Priority 2 processing must meet the requirements of section 207 of the Immigration and Nationality Act.

SEC. 1544. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)'', if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq;

(B) was or is employed by, or worked for the United States Government in Iraq, in or after 2003, for a period of not less than 1 year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation from the employee's senior supervisor. Such evaluation or recommendation must be accompanied by approval from the Chief of Mission or his designee who shall conduct a risk assessment of the alien and an independent review of records maintained by the hiring organization or entity to confirm employment and faithful and valuable service prior to approval of a petition under this section; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of their employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is—

(A) the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD—An alien shall also fall within subsection (b) of section 1544 of this Act, if—

(1) the alien was the spouse or child of a principal alien who had an approved petition with the Secretary of Homeland Security or the Secretary of State pursuant to section 1544 of this Act or section 1059 of the National Defense Authorization Act for the Fiscal Year 2006, Public Law 109–163, as amended by Public Law 110–36, which included the alien as an accompanying spouse or child; and

(2) due to the death of the petitioning alien, such petition was revoked or terminated (or otherwise rendered null) after its approval.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the 5 fiscal years beginning after the date of the enactment of this Act. The authority provided by subsection (a) of this section shall expire on September 30 of the fiscal year that is the fifth fiscal year beginning after the date of enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203 (b)(4) of the Immigration and Nationality Act (8 U.S.C. 115l(d), 1 152(a), and 1 1 53(b)(4)).

(3) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) DEFINITIONS.—The terms defined in this Act shall have the same meaning as those terms in the Immigration and Nationality Act.

(g) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1545. MINISTER COUNSELORS FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The Secretary of State shall establish in the embassy of the United States located in Baghdad, Iraq, a Minister Counselor for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the ''Minister Counselor for Iraq'').

(b) DUTIES.—The Minister Counselor for Iraq shall be responsible for the oversight of processing for resettlement of persons considered Priority 2 refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Minister Counselor for Iraq shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF MINISTER COUNSELORS.—The Secretary of State shall designate in the embassies of the United States located in Cairo, Egypt; Amman, Jordan; Damascus, Syria; and Beirut, Lebanon a Minister Counselor to oversee resettlement to the United States of persons considered Priority 2 refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1546. COUNTRIES WITH SIGNIFICANT POPULATIONS OF DISPLACED IRAQIS.

(a) IN GENERAL.—With respect to each country with a significant population of displaced Iraqis, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with other countries regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of displaced Iraqis to ensure the well-being and safety of such populations in their host environments.

(b) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under sections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult nongovernmental organizations that have a

presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for classification as a special immigrant.

SEC. 1547. DENIAL OR TERMINATION OF ASYLUM.

(a) MOTION TO REOPEN.—Section 208(b) of the Immigration and Nationality Act is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—An applicant for asylum or withholding of removal, whose claim was denied by an immigration judge solely on the basis of changed country conditions on or after March 1, 2003, may file a motion to reopen his or her claim not later than 6 months after the date of the enactment of the Refugee Crisis in Iraq Act if the applicant—

''(A) is a national of Iraq; and

''(B) remained in the United States on such date of enactment.''.

(b) PROCEDURE.—A motion filed under this section shall be made in accordance with section 240(c)(7)(A) and (B) of the Immigration and Nationality Act.

SEC. 1548. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report containing plans to expedite the processing of Iraqi refugees for resettlement to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) detail the plans of the Secretary for expediting the processing of Iraqi refugees for resettlement including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

(B) describe the plans of the Secretary for increasing the number of Department of Homeland Security personnel devoted to refugee processing in the noted regions;

(C) describe the plans of the Secretary for enhancing existing systems for conducting background and security checks of persons applying for Special Immigrant Visas and of persons considered Priority 2 refugees of special humanitarian concern under this subtitle, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

(D) detail the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1543(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for more than 6 months, the reasons that visas have not been expeditiously processed.

(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT AND FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) solicit from each prime contractor or grantee that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of, each Iraqi national that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractors or grantees to provide the information requested under subsection (c); and

(2) the reasons for failing to provide such information.

SEC. 1549. AUTHORIZATION OF APPROPRIATIONS.

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

AMENDMENT NO. 2214, AS MODIFIED

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system in future budgets.

AMENDMENT NO. 2942, AS MODIFIED

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(B) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, Tom Coburn, Lindsey Graham, Jon Kyl, Wayne Allard, John Thune, Norm Coleman, Richard Burr, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran, Michael B. Enzi.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on Amendment No. 2011, offered by the Senator from Michigan, Mr. LEVIN, in the nature of a substitute to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, shall be brought to a close?

Mr. LEVIN. Mr. President, just 30 seconds. I hope the Senate will vote for cloture. Let me give the rundown of amendments we have now adopted.

One hundred ninety-one amendments have now been adopted through either clearance in voice vote or rollcall. We have a lot of amendments left. We will be here tomorrow, and we will be here on Monday. If cloture is invoked, we will work the best we can to see if we can get some germane amendments adopted, even those that we agree by unanimous consent may not be germane but should be adopted. I hope cloture is invoked. We will be here tomorrow and Monday to work on amendments.

Mr. FEINGOLD. Mr. President, I support many of the priorities in this bill, and I do not think the Senate should extend debate on it indefinitely. But, if we invoke cloture on the bill, as it currently stands, we will be ensuring that it contains no language to bring our involvement in the Iraq war to a close. That would be a mistake. The war in Iraq is taking a tremendous toll on our servicemembers and our military preparedness—not to mention our national security and our pocketbook. It is irresponsible for Congress to pass legislation authorizing the activities of the Department of Defense that fails to bring our troops home and this war to an end.

The PRESIDING OFFICER. The yeas and nays are mandatory under the rule.

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 New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) 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 yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—89

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Baucus	Feinstein	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagel	Reed
Boxer	Harkin	Reid
Brown	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burr	Inhofe	Salazar
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Johnson	Shelby
Carper	Kennedy	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Conrad	Lautenberg	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dole	Martinez	Wyden
Domenici	McCaskill	

NAYS—6

Collins	Feingold	Sanders
Dodd	Leahy	Voinovich

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Virginia.

Mr. WARNER. Mr. President, we are now in the postcloture status.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3058

(Purpose: To provide for certain public-private competition requirements)

Mr. REID. Mr. President, on behalf of Senators KENNEDY and MIKULSKI, I call up amendment No. 3058.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID}, for Mr. KENNEDY and Ms. MIKULSKI, proposes an amendment numbered 3058.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, September 26, 2007 under ''Text of Amendments.'')

AMENDMENT NO. 3109 TO AMENDMENT NO. 3058

Mr. REID. Mr. President, I call up amendment No. 3109.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, proposes an amendment numbered 3109 to amendment No. 3058.

Mr. REID. 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:

In the amendment strike all after the first word and insert the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is

not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

This section shall take effect one day after the date of this bill's enactment.

Mr. WARNER. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, we are now on the bill in a postcloture status. The distinguished chairman, Senator LEVIN, is here. I am here. We are prepared to deal with whatever amendments come forward this evening and, again, we will be here tomorrow.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the Kennedy-Mikulski amendment, as amended by the distinguished majority leader.

I know the hour is late so I will not speak at length, but I will speak with passion about what this amendment is all about.

This is about contracting out. I am here to join in an amendment that protects our Civil Service, protects our taxpayers, and protects Government workers. I think we would all agree that America needs an independent Civil Service and that our Federal employees are on the front lines every day working hard for America. This administration's plan for privatization is a quota-driven plan that costs money, morale, and the integrity of the Civil Service. It forces Federal employees into unfair competition and forces them to spend time and money competing for their jobs instead of doing their jobs. The administration has stacked the deck against Federal employees with their A–76 competitions, but I am here to level the playing field along with my colleagues.

This amendment is simple. It helps Federal employees compete for their jobs and at the same time, makes sure

the Federal Government saves money. My other colleagues who are cosponsors will focus on different pieces of this amendment, but I am here to talk about three specific parts.

First of all, this amendment saves taxpayers money. When the administration passed these new quota-driven bounty-hunting A–76 rules, contractors were not even required to show they would save the Government any money—but we thought that was the point of it—so we had some private contracts that actually cost the Government more money than if Federal employees were doing the work.

Now, the amendment that is pending would require that all contracts save $10 million or 10 percent. You must save money: $10 million or 10 percent. So Federal workers will not be losing their jobs to contractor bids that do not even save the Government or the taxpayers money.

Second, it deals with the issue of health and retirement benefits. Right now, a private contractor can win a bid on Federal work simply because they provide either no health and retirement benefits or skimpy or Spartan benefits, this is bad for Federal employees and bad for the contractors doing the work.

This amendment would prohibit contractors from winning a bid if the only cost savings are from bad or no benefits. This is to prevent bagging benefits in order to win the contract. This helps level the playing field for Federal employees who have to submit their own best bids, but they have to include these health and retiree benefits.

Number 3, really, this is what I think is crucial, and I hope my colleagues from the other side of the aisle will hear this. This amendment eliminates privatization quotas. Remember, the new Bush rules are quota driven. It makes those who are pushing the A–76 in an agency the equivalent of a bounty hunter.

Now, let's deal with the word ''quota.'' I have heard a lot about quotas in my day, usually from the other side in a very pejorative way. Hey, what happened to goals and timetables? I thought we did not go for quotas in this Senate. I thought we were for goals and timetables. Remember discussions on affirmative action? ''We don't want no quotas.'' Well, I do not want quotas in privatization. Quite frankly, I do not even want goals and timetables in privatization. But OMB imposes privatization quotas on all Federal agencies, forcing them to conduct A–76 competitions on as many as 150,000 jobs each year. What a huge waste of money. These quota-driven bounty hunters force these wasteful A–76 reviews, even on agencies that do not want to do them or in categories that give them pause to pursue. It wastes time. It wastes taxpayers' dollars.

This amendment would stop OMB from using quotas to force agencies to conduct these privatization reviews. This would not prevent agencies from contracting out work. It would simply allow Federal agencies to make their own decisions about when to use the A–76 process.

Now let me be very clear. I am not opposed to contracting out. I am not opposed to privatization. In my own State it has worked well. Look at Goddard Space Flight Center. We have 3,000 civil service jobs, but 9,000 private contractor jobs. In this way, we get incredible value for our space dollar. I am proud of them both, and they work well together. They serve the Nation well.

But the way this administration is going about privatization does not work. We need this amendment because the way contracting is being pursued is irresponsible. It even puts our Nation's security at risk.

I want to give one specific issue—contracting out at Walter Reed. Before my dear colleague Senator Paul Sarbanes left, we were on this floor fighting an A–76 contract for contracting out facilities management for people who handle the grounds and so on at Walter Reed. We challenged that A–76 because there had been over three to six appeals. Each time the Federal employees won. However, the administration pushed and pushed and pushed. As we were battling it out on the floor, I read a letter from the colonel who said: If you contract this out, I am concerned there will be a degradation of service at Walter Reed.

Well—guess what—we lost the amendment. Walter Reed contracted out its facilities management. We went from 300 employees, who kept Walter Reed tip top for our wounded warriors, down to 50 people, and we ended up with a national scandal.

Now, you tell me, what did we gain from that contracting out? How could you look in the eyes of a wounded warrior at Walter Reed and at a hospital that was ridden with mold and rot, for which we all had to go out and pound on the table and pound on our chest about the outrage? We could have stopped the scandal at Walter Reed if we had stopped that contracting out—300 people to 50. Why did it take 300 people at Walter Reed? Because it is an older building. It is several buildings. Our wounded warriors were in hospitals that made international headlines because we could not take care of our own.

Well, I am now taking care of this contracting out. So this amendment is the ''remember the Walter Reed scandal'' amendment. I hope my colleagues will join with me. Yes, we will privatize where appropriate. Yes, we will privatize where we will get value for our dollar. But I don't want any kind of privatization that ends up in a national scandal and a national disgrace.

I urge my colleagues to vote for this amendment.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the threat posed by Iran, but I voted against the amendment offered by Senators KYL and LIEBERMAN because it could be interpreted as an authorization to keep U.S. troops in Iraq indefinitely to police the Iraqi civil war and engage in a proxy war with Iran. Maintaining a significant U.S. troop presence in Iraq is undermining our ability to deter Iran as it increases its influence in Iraq, becomes bolder in its nuclear aspirations, and continues to support Hezbollah. The administration needs to end its myopic focus on Iraq and develop comprehensive, effective strategies for dealing with Iran and the other serious challenges we face around the world.

Mr. President, I voted against Senator BIDEN's amendment because, while we should support a comprehensive political settlement in Iraq, the U.S. Government shouldn't tell the Iraqi people how to run their country.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor Senator BIDEN's amendment calling on the United States to actively support a Federal system of government in Iraq.

The brutal reality is that Iraq today is being torn apart by sectarian violence. The Maliki government in Baghdad is too weak and too corrupt to lead Iraq's Sunni, Shia and Kurdish communities to the political reconciliation they need to end the fighting. Iraq is being torn apart by civil war, and U.S. military forces are caught in the middle.

It is clear to me that President Bush has no strategy for ending the war in Iraq. It is up to Congress to provide the way forward to bring stability to Iraq and to bring our troops home. Our military has done everything we have asked them to do, valiantly and skillfully. But the experts all agree: there is no military solution in Iraq. We need a comprehensive political settlement that gives the Iraqi people control over their own fate and allows our troops to come home.

Senator BIDEN has proposed a plan to maintain a united Iraq by decentralizing it. Rather than putting our troops between warring factions, this plan would give the Kurds, Sunni and Shia control over their own land and people, while leaving a central government in Baghdad responsible for protecting common national Iraqi interests. This plan has five major parts.

Step one is establishing three autonomous regions in Iraq with a functional central government in Baghdad. Each region would have authority over its own domestic laws, administration, and internal security. The central government would control border defense, foreign policy, and oil revenues. This would give Iraq's sectarian groups control over their own destiny and ensure that Iraq does not splinter into pieces, creating regional chaos.

Step two of the Biden plan is to secure the cooperation of Iraq's Sunni minority. The Sunni Arabs in Iraq do not have access to the same oil wealth enjoyed by the Kurds in the north and the Shia in the south. Under this plan, Iraq's central Government would guarantee the Sunni's economic viability

by pledging 20-percent of Iraq's oil revenue. It would address Sunni political concerns by allowing former members of the Baath party to join Iraq's national Government. Iraq's Sunnis must have confidence that they can prosper and thrive in a peaceful Iraq, so they will lay down their arms and end their destructive insurgency.

Step three of this plan is to call on the international community and Iraq's neighbors to help stabilize Iraq by accepting this federal arrangement and respecting Iraq's borders and sovereignty. Iraq will need strong support from the international community to ensure that its neighbors do not try to expand their influence into any of the three autonomous regions created under this federalist system.

Step four calls for the withdrawal of most U.S. military forces from Iraq. We would leave a small but effective residual force behind to help Iraq's security forces combat terrorism and protect Iraq's borders, but most U.S. forces would be out of Iraq before the end of 2008. We know there is no military solution to Iraq's current problems, and we know the armed militias that are tearing Iraq apart will never lay down their arms as long as the U.S. military has a large presence in their country. Withdrawing most U.S. troops will demonstrate to the Iraqi people that they must take responsibility for building a peaceful, stable Iraq. A small but lethal contingent of U.S. forces that remains either in Iraq or nearby can help the Iraqis combat terrorism and deter mischief by Iraq's neighbors.

Finally, the Biden plan calls for robust international support for reconstruction in Iraq. This economic assistance must be conditioned on respect for minority and women's rights. The international community has an interest in seeing a vital, healthy Iraq, but we should use our resources to help Iraq build a society based on equality for all. By providing economic opportunities for every Iraqi, we can help end the violence and build a strong, stable Iraq.

We know that President Bush has no plan for stabilizing Iraq or ending the war. The Biden plan can lead to a lasting political solution in Iraq that stops the violence and allows our military forces to come home. I am proud to support it, and I am proud to cosponsor this amendment.

Mr. DOMENICI. Mr. President, I want to take a moment to inform the Senate about amendment No. 2981. I greatly appreciate Chairman LEVIN's and Ranking Member McCain's cooperation in including it in the managers' package.

My amendment to the Defense authorization bill calls for a review of the Department of Energy's strategic plan for advanced computing. This review would be completed by the independent scientific advisory group and assess where the Department is headed in this important area.

The measure focuses attention on the essential role our national laboratories play in advancing the state of the art for high performance computing a vital area for our national security and scientific leadership.

Our laboratories have been instrumental in pressing the limits of raw computing power and creating more sophisticated simulation capabilities.

Since the early days of scientific computing and continuing through the development of today's advanced parallel computing systems, the laboratories pioneered the development of high performance computing and software development. From developing advanced computing architectures and algorithms to effective means for storing and viewing the enormous amounts of data generated by these machines, the laboratories have made high performance computing a reality.

These capabilities have become a requirement for certifying the nation's nuclear weapons stockpile without nuclear testing. They also find application far outside laboratory walls.

The Stockpile Stewardship Program was created as the alternative to underground nuclear testing, to ensure that our nuclear weapons systems would remain safe, secure and reliable. Doing so without nuclear testing required significant investments in computer modeling and simulation.

This investment has paid enormous dividends. Every year, computing power increases at a pace set by America's national laboratories. The world's current fastest supercomputer is Lawrence Livermore's ''Blue Gene,'' which recently exceeded 280 ''teraflops'' or trillions of calculations per second. Oak Ridge's ''Jaguar'' system and Sandia National Laboratory's ''Red Storm'' are second and third, each exceeding 100 teraflops.

The applications go well beyond security and basic science. The laboratories have worked hard to transition these capabilities to academia and industry, simulating complex industrial processes and their environmental impact including global climate change.

Collaborations with the private sector have also driven down the cost, so that now high performance does not mean high expense. This has had an enormous impact, making advanced computing within the reach of an ever wider circle of users including the Department of Energy's Office of Science.

At the labs today, not only do these computers run advanced experimental models that give us confidence in our nuclear deterrent, but they also help us decipher the human genome and develop improved medicines. Advanced computing has also helped Sandia engineers understand the safety risks to the Space Shuttle, when the foam from the fuel tank hit and damaged the heat tiles.

We will continue to use advanced computing to support engineering design work to ensure that our bridges and infrastructure are safe, as well as filter massive amounts of data in an effort to predict where terrorists are planning to attack next.

These achievements did not happen by accident. They required planning, commitment and follow through.

Unfortunately, I am concerned that we may be losing this focus and commitment to support long term research on advance computing architectures and continue the search for even greater simulation capabilities. The Department of Energy and the National Nuclear Security Administration appear not to have a coordinated strategy for advancing the state-of-the-art in computing and instead propose to actually reduce computing capacity within the laboratory system. I believe this is a mistake.

In the Senate Energy and Water Development appropriations bill for fiscal year 2008, Chairman DORGAN and I have proposed to establish a joint program office for high performance computing led by the NNSA Administrator and the Under Secretary for Science. This office will have the primary responsibility of ensuring a well balanced portfolio of computing platforms for the DOE and the Nation.

The proposed office will develop a high performance computing technology roadmap and acquisition strategy for the DOE. I strongly believe that DOE and NNSA must pool their resources and establish an advanced computing R&D program. A long term, Department-wide strategy is necessary to ensure that the world class simulation capabilities within the complex are maintained and investments are made to drive innovation. If the past success of the program is a predictor, there will be amazing new technological innovations and the cost of computing will fall like a stone. This will ensure that universities, laboratories, U.S. businesses and law enforcement will have the computing capability necessary for their success.

We must continue to raise the bar, giving our best and brightest new targets to aim for, ensuring that America will retain its technical leadership in advanced computing.

I would like to pay tribute to the men and women of Sandia, Los Alamos and Livermore National labs and their private sector counterparts at Cray, IBM, and Intel, and the Department of Energy and the NNSA. These individuals have worked extraordinarily hard to solve complex computing architecture and software challenges. This work has paid off and we must remain committed to future excellence in this field.

Mr. President, I ask unanimous consent that a listing of the world's fastest computers be printed in the RECORD. I would like for my colleagues to note that 8 of the top 10 computers are located at U.S. Department of Energy national labs and universities and this would not be the case except for the investments made by the Department of Energy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOP 10 FASTEST SUPERCOMPUTERS IN THE WORLD (JUNE 2007)*

Name, Location—Speed (TFlops/s).

1. Blue Gene/L (IBM), Lawrence Livermore (DOE)—280.6.
2. Jaguar (Cray), Oak Ridge (DOE)—101.7.
3. Red Storm (Cray), Sandia (DOE)—101.4
4. Blue Gene Watson (IBM), IBM Thomas Watson—Research Center—91.2.
5. New York Blue (IBM), Stony Brook/Brookhaven (DOE)—82.1.
6. ASC Purple (IBM), Lawrence Livermore (DOE)—75.7.
7. eService Blue Gene (IBM), Rensselaer Polytechnic Institute (Troy, NY)—73.0.
8. Abe (Dell), NSF–NCSA—62.6
9. MareNostrum (IBM), Barcelona Supercomputing Center—62.6.
10. HLRB–II (SGI), Leibniz Rechenzentrum—56.5.

*Ranking from the TOP500 Project (http://www.top500.org)

Mr. ENZI. Mr. President, I wish to express my concern about the current agenda of the U.S. Senate.

For about 16 days, we have been debating the National Defense Authorization Act for fiscal year 2008. I do not think that any Member of this Chamber believes this is an unimportant or throwaway piece of legislation. This bill is about our troops and our veterans. It is about their health care. It is about their equipment. It is about how we treat those individuals who have put on the uniforms of our Armed Forces and served our Nation.

The Defense bill before us authorizes $24.6 billion for the defense health program, including a $1.9 billion adjustment to fund TRICARE benefits. The bill includes authorization for the purchase of upgrades to Bradley fighting vehicles and the purchase of Stryker vehicles. This legislation authorized research into technology that will keep our troops safer while they carry out their current missions and research into medical technology that will help with battlefield diagnostics and care for any wounded warrior.

In the midst of considering this troop-related bill, we are now considering amendments on items completely unrelated to the men and women in uniform. This kind of political gamesmanship is precisely why congressional approval ratings are at an all-time low.

Are we going to provide the resources our men and women in the military need by passing this Defense bill or are we going to stuff this bill so full of nondefense policy and programs that the legislation blows up like a makeshift terrorist explosive device? The majority party is in charge of getting critical bills through, yet they are delaying passage of these bills by trying to empty their outbox full of controversial issues. Unfortunately, the authors of these unrelated special interest amendments have chosen the latter.

The first amendment set to come before us for a vote is legislation on hate crimes. When it is the appropriate time to be debating the merits of a hate crime bill then I will debate that. Debating it in relation to a bill we need in order to provide for our military is not the appropriate time. We have also been told to expect amendments related to immigration. The Senate earlier this year spent weeks on immigration legislation—that is where debate on that amendment should occur.

As my colleague from Texas, Senator CORNYN, stated, there is a time and a place for everything. A bill drafted to address our national defense and our troops is not the place for these amendments.

Instead of focusing on the needs of our troops in the field, our wounded warriors needing medical attention, and our veterans who have served us all, the authors of these amendments seek to distract our attention and delay progress on this bill.

I sincerely hope all Members of the Senate will put these issues aside for a more appropriate time for debate and let us proceed on improving the lives of our troops. Let's put our troops first on the Senate agenda.

Mr. CONRAD. Mr. President, I was pleased to join my co-chair of the Senate Tanker Caucus, the senior Senator from Utah, in introducing amendment No. 2895. And I am very glad that the distinguished ranking member of the Armed Services Committee chose to join with our caucus in preparing a compromise amendment, No. 3104, that makes clear how crucial recapitalizing our tanker fleet is to our national security.

I thank Senator MCCAIN and Senator LEVIN for their leadership on this issue and their willingness to accept this amendment.

In October of last year, the Secretary and Chief of Staff of the Air Force made a very important announcement. They declared that their top acquisition priority for the future is the replacement of our Nation's aerial refueling tanker fleet. This program could cost about $13 billion over the next 5 years, and perhaps $100 billion over the next three decades.

The senior Senator from Utah and I joined forces to form a caucus in support of this vital objective. We believe that updating our aerial tanker fleet is crucial if we are to continue to be able to project American military power around the globe.

The U.S. national security strategy depends on a robust air refueling capability, as do our coalition partners. No other nation in the world has a comparable capability. The U.S. advantage in tankers is at the center of almost all the other strategic capabilities of our Air Force.

Yet today, our tanker fleet is the oldest part of the Air Force inventory making maintenance difficult and expensive. The KC–135 makes up over 90 percent of our refueling capability, but the average age of that fleet is over 45 years. The ''E-Model'' aircraft have the oldest engines and are rapidly declining in utility. Their mission capable rates have dropped significantly, and their cost-per-flying hour has increased.

Despite generations of meticulous maintenance, these tankers are getting toward the end of their economic service life. Uncertainty about corrosion problems creates a significant vulnerability—we could find a serious problem in a few of these aircraft that could result in the whole fleet being grounded.

And that would have catastrophic results, as General Michael Moseley made very clear in comments on October 12. ''In this global business we're in, the single point of failure of an air bridge, or the single point failure for global intelligence, surveillance and reconnaissance, or the single point of failure for global strike is the tanker,'' he said. ''To be able to bridge the Atlantic, to be able to bridge the Pacific, or to be able to let business in the theater be persistent business in the theater, it's the tanker.''

To reverse that vulnerability, the Air Force is taking steps to replace these tankers. The tanker caucus supports that effort. The Air Force is also taking steps to make sure that a portion of the current tanker fleet is kept viable as they work to develop and buy the next generation tanker. This amendment supports that effort as well, by specifically referencing the Air Force's strategy to modify and upgrade an appropriate portion of the KC–135 fleet to ensure that it remains viable as the Air Force waits for new tankers to be delivered. Nothing in this amendment would further constrain the Air Force's ability to retire the oldest tankers as they deem necessary.

Finally, this amendment recognizes that the procurement of aerial refueling on a fee-for-service basis may also end up being part of the solution to preventing a temporary gap in tanker capability—though I doubt that it will make up a major portion of our overall tanker capacity.

The Air Force is working through two competing submissions for tanker replacement in response to the request for proposals it issued last year. This full, free and open competition will help to achieve the best value possible for the taxpayer on this major program.

As General Moseley noted, ''It's important to get started'' on this important acquisition program. The time is right to begin recapitalizing this vital national asset. The Air Force predicts that a funding shortfall this year would likely lead to a 6 to 9 month delay in fielding the new tankers.

The original amendment that Senator HATCH and I offered was co-sponsored by Senators DORGAN, GREGG, ROBERTS, SUNUNU, CANTWELL and INHOFE. It simply expressed the sense of the Congress that timely replacement of the Air Force tanker fleet is a vital national security priority, and presented the reasons for that judgment. The McCain-Conrad amendment makes the same point in expressing

that modernizing the tanker force is a vital national security priority.

While some members and some committees differ on the amount of funding that they believe is required to carry out this program fiscal year 2008, I believe that the Senate can agree that carrying out this program is a vital national security priority. I appreciate my colleagues' support for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, is there any objection if we proceed to morning business?

Mr. WARNER. Mr. President, there is no objection on this side. We will resume the bill tomorrow morning, I presume, around 10 o'clock.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

Would that be enough, I ask Senator BROWN? Ten minutes? You can ask unanimous consent to extend it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

PRIVATIZATION

Mr. BROWN. Mr. President, although we are in morning business, I wish to add some comments to what Senator MIKULSKI said about privatization because what we have seen throughout our Government—whether it is Medicare, the efforts to privatize, which, unfortunately, have been partially successful at privatizing but not so successful in serving the public, serving seniors, and the totally unsuccessful effort to privatize Social Security—what we have seen in public education, what we have seen in the prison system in my State of Ohio, what we seen in several kinds of efforts to privatize have often resulted in more taxpayer dollars being spent, a reduction in service, to be sure, less efficiency, and less accountability.

So her amendment is right on the mark. Her efforts in privatization generally are very important. I thank the senior Senator from Maryland on that.

TRADE POLICY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our workers—from Steubenville to Cambridge, from Portsmouth to Wauseon—to our manufacturers—in Bryan and Cleveland and Akron, and Lorain—and to our small businesses in Dayton, Cincinnati, and Springfield.

Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families, American children, to products that can harm them—that in some cases can actually kill them.

Our trade rules encourage unsafe imports. Our gap-ridden food and product inspection system lets those imports into our country. Our lax requirements for importers let those products stay on the shelves. And our foot dragging on requiring country-of-origin labeling leaves consumers in the dark. It is a lethal—all too lethal, all too often—combination.

With a total lack of protections in our trade policy, we do not just import goods from another country, we import the lax safety standards of other countries. If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade deals, of course, we are going to find lead paint on our toys and toxins in our toothpaste.

Just think of it this way: When we trade with a country, when we buy $288 billion of products from China, for instance—a country that puts little emphasis on safe drinking water, on clean air, on protections for their own workers, on consumer protection, and then they sell those products to the United States, why would they care about products, consumer products, toys that are safe or food products that are safe, when they do not care about that in their own country for their own workers and for their own consumers?

Add to the fact that U.S. companies put tremendous pressure on their Chinese subcontractors to cut the cost of production to cut their own costs, and the Chinese are going to use lead paint because it is cheaper. They are going to cut corners on safety because it is cheaper.

At the same time, the Bush administration has weakened our Food and Drug Administration, Department of Agriculture, and Consumer Product Safety Commission rules, and that is compounded even further because they have cut the number of inspectors. So why should we be surprised when we see toys in our children's bedrooms that are dangerous, or when we see vitamins in our drugstores and food in our grocery stores that are contaminated?

Due to trade agreements, there are now more than 230 countries and more than 200,000 foreign manufacturers exporting FDA-related goods—FDA-regulated goods—to American consumers.

Before NAFTA, we imported 1 million lines of food. Now we import 18 million lines of food. One million lines of food in 1993; today it is 18 million lines of food.

Unfortunately, trade deals put limits on the safety standards we can require for imports and even how much we can inspect imports. I will say that again. We pass a trade agreement with another country. It puts limits on our own safety standards, and it puts limits on how much we can inspect those imports.

Our trade policy should prevent these problems—not bring them on.

Now the President, though, wants new trade agreements with Peru, Panama, South Korea, and Colombia—all based on the same failed trade model that brought us China, that has brought us NAFTA, that has brought us the Central American Free Trade Agreement.

This Chamber will soon consider—maybe even next week—a trade agreement with Peru. Some may wonder why we are entering into new trade agreements right now considering we have had five straight years of record annual trade deficits.

When I first ran for Congress in 1992, on the other side of the Capitol, to be a Member of the House of Representatives, our trade deficit was $38 billion. Today, it exceeds $800 billion. Our trade deficit with China was barely double digits 15 years ago. Today, it exceeds $250 billion.

The NAFTA/CAFTA trade model has driven down wages and working conditions for workers in Marion and Mansfield and Bucyrus and Canton and all across the United States and abroad.

This kind of trade has torn apart families' health care and pension benefits. It undermines our capacity even to produce equipment vital to our national security.

Contrary to promoting stability in Peru and the Andean region, as this trade agreement's supporters would say, these trade agreements are actually more likely to increase poverty and inequality.

This month, the United Nations Conference on Trade and Development issued a report warning developing countries—poorer nations that are doing trade agreements with us—to be wary of bilateral and regional free trade deals. The U.N. Report cited the North American Free Trade Agreement as an example of a trade agreement that may have short-term benefits for poor countries but has long-term harm. We know what NAFTA did to Mexico's middle class. We know what NAFTA did to its rural farmers. Well over 1.3 million farmers were displaced since the North American Free Trade Agreement in Mexico.

Let's look at Peru for a moment. Nearly one-third of Peru's population depends on agriculture for its livelihood. The development group Oxfam estimates that 1.7 million Peruvian farmers will be immediately affected by this trade agreement. When those farmers can't get a fair price for wheat or for barley or for corn, they are forced to produce other crops—almost inevitably, including coca. That means more cocaine production, it means more illegal drugs in the United States. We have been there before. We have seen that before. We have seen the rural dislocation in Mexico, after NAFTA, and there is nothing to suggest the Peru trade agreement will be any different.

Scholars, including former World Bank Director Joseph Stiglitz, note that rural upheaval from trade deals means more violence, more U.S. money spent on drug eradication.

An archbishop in Peru said:

We are certain this trade agreement will increase the cultivation of coca, which brings drug trafficking, terrorism, and violence.

So if we are talking about combating terrorism around the world, the exactly 180-degree wrong thing to do is a trade agreement with Peru because it will mean, as the archbishop said, the increased cultivation of coca because we will put some of their corn farmers, their barley farmers, their wheat farmers out of business. More coca, more drug trafficking, more terrorism, more violence, more instability.

We need a new trade approach in our policy, one that benefits workers here and promotes sustainable development with our trading partners.

This Peru agreement has some improvements in labor and the environment. It is important to note that this change in the administration's view toward labor and environmental rules of trade agreements would not have happened without voters' demand for change last year. But the demand for change in trade policy runs deep. We have heard workers in Ohio and around the country call for big changes in trade policy, and we are hearing consumers in Avon Lake and in Kettering demand accountability for the unsafe imports that are on our shelves. Passing a trade agreement with Peru is not the change we need. We want trade. We want more trade. We want trade under different rules and, most importantly, our responsibility is to protect our family's health and protect our children.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MR. WILLIAM W. WIRTZ

Mr. DURBIN. Mr. President, I rise today to commemorate the life of William W. Wirtz, a truly outstanding Illinoisan who passed away this week.

Bill Wirtz was a businessman, sports fan, and philanthropist. He took over operation of Judge & Dolph in Illinois in 1950 and expanded that business into the Wirtz Beverage Group, comprised of five distributorships in four States. He also served as president of Wirtz Corporation, Director of First Security Trust and Savings Bank, and chairman of the South Miami Bank Corporation. But most Chicagoans will remember him as the owner and president of the Chicago Blackhawks hockey team.

The Wirtz family bought the Blackhawks in 1954, and Bill was named president of the organization in 1966, a title he maintained for over 40 years. Bill was a true hockey fan. During his lifetime, he helped negotiate the merger between the NHL and the World Hockey Association, served on the 1980 and 1984 Winter Olympic Committees, and was chairman of the Board of Governors of the National Hockey League for 18 years. In recognition of his many contributions to the sport, Bill Wirtz was inducted into the Hockey Hall of Fame.

Bill Wirtz also gave a great deal back to the community and the city of Chicago. Along with Bulls owner Jerry Reinsdorf, he was a driving force behind the construction of the United Center to replace the old Chicago Stadium in 1994. He also established the Chicago Blackhawk Charities, which has donated over $7.5 million to worthy causes in the Chicago area. Perhaps closest to Bill's heart was the development of the Virginia Wadsworth Wirtz Sports Program at the Rehabilitation Institute of Chicago. Named after his mother, this program is a year-round, cross-disability sports and recreation program.

Bill Wirtz is survived by his wife Alice, five children and seven grandchildren. They have my condolences and those of so many who knew him. Bill's many contributions to Chicago and Illinois will not soon be forgotten.

TRIBUTE TO DONNA L. PILE

Mr. MCCONNELL. Mr. President, today I commend Ms. Donna L. Pile of Lexington, KY, for her service to her community and her Nation as a member and leader of the National Association of Professional Insurance Agents.

Ms. Pile recently served as President of the National Association of Professional Insurance Agents, the first woman ever named to that position. She previously served in many positions of responsibility for the association. Ms. Pile was also president of the PIA of Kentucky in 2000 and has been Kentucky's representative on the PIA National Board of Directors since 2000. Ms. Pile is also a member of the National Association of Insurance Women.

Active in her community, Ms. Pile is managing partner of the A.G. Perry Insurance Agency of Lexington. She has served her community as a homeroom mother in grade school and as Booster Club president to the Jessamine County Boys' Soccer Program for 10 years. She has taught PIA Young Agents classes and also served on numerous strategic planning committees for Jessamine County Schools.

As president of the National Association of Professional Insurance Agents, Ms. Pile's dedication to the highest standards of her profession has earned her the respect of friends, associates, business colleagues, and the insurance industry as a whole. She took seriously her role to advocate for professional insurance agents across the United States and has left behind a stronger organization for her efforts.

I want to recognize today the many successes that Donna L. Pile has accomplished throughout her career and to again congratulate her on the completion of her term as the president of the National Association of Professional Insurance Agents.

TEAR DOWN THE WALLS IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, next April, the people of Northern Ireland will commemorate the 10th anniversary of the Belfast Agreement, which did so much to put Northern Ireland on the path to end the violence that had afflicted the population for three decades, and achieve the longstanding goal of peace.

On September 20, the Irish Times published a perceptive article by Trina Vargo, President of the U.S.–Ireland Alliance emphasizing that more remains to be done and urging the people of Belfast to this auspicious anniversary as an opportunity to remove the so-called ''peace'' walls that continue to divide the Protestant and Catholic communities in Belfast.

The walls are still serving as physical and psychological barriers between the two communities, and Ms. Vargo's article offers a timely and creative idea that could have a widespread beneficial impact in Northern Ireland. Analogizing it to the fall of the Berlin Wall, she suggests that the simple act of removing walls can be a significant gesture in breaking down barriers in a community and promoting progress and unity.

Ms. Vargo was a member of my staff and did an excellent job on the issue of Northern Ireland for many years, and I believe her article will be of interest to all of us in Congress, especially those who worked with Ms. Vargo on this issue. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Irish Times, Sept. 20, 2007]

TIME TO TEAR DOWN THESE WALLS OF DIVISION

With things settling down in Northern Ireland, isn't it time to consider taking down the so-called ''peace'' walls separating communities instead of erecting more, asks Trina Vargo.

Everyone of a certain age distinctly remembers the fall of the Berlin Wall in 1989. The sight of East and West Germans joining in celebration on the wall, and the chipping away of it over the following weeks, demonstrated to the world—in a way that no other act could—that the cold war was truly over. Can the walls come down in Northern Ireland? Next April, Senator George Mitchell will return to Belfast to participate in an event marking the 10th anniversary of the Belfast Agreement. We have also invited Taoiseach Bertie Ahem, Tony Blair and Bill Clinton to join him and other negotiators of the agreement, as well as the DUP, to consider Northern Ireland's divided past and its shared future.

We hope that the people of Belfast will consider using this occasion to take down at least a part of the ''peace'' line and send a message to the world, and to themselves. I

recently visited Belfast to begin conversations about this with community leaders, politicians, former paramilitaries, and the police. While some expressed scepticism, a much larger number were eager to begin the conversation. Some were conjecturing, hoping that their interface community might be confident by April. After all, many unexpected and welcome things have happened this year in Northern Ireland. It would be naive to underestimate concerns about the dismantling of that which has provided physical and psychological protection for many years. And walls coming down won't alone solve Northern Ireland's many problems—disaffected youth, a growing suicide rate, a parochial outlook, high levels of economic inactivity, and an economy overly reliant on the state.

It is also disheartening to see new walls going up in some neighbourhoods at the very time the virtual walls between Ireland and Northern Ireland are coming down. Progress at the political level is slowed by a lack of confidence on the street. The loyalist community, in particular, is still reeling from political developments it didn't see coming. What is now most necessary for Northern Ireland is economic development. Foreign investment and increasing tourism can play a part in that. While the political developments that have occurred this year are truly incredible, they only briefly and barely registered on the world's consciousness.

It is likely that there is only a small window of opportunity with the business community in the U.S. Disproportionate attention has been paid to Northern Ireland for more than a decade and there is a sense that it's sorted. Attention will wane.

In 1998, when I was Senator Ted Kennedy's foreign policy adviser, I contacted a Massachusetts company with a call centre in Northern Ireland, thinking the company might like a photo opportunity with Senator Kennedy when he visited Northern Ireland.

That was the last thing they wanted. Many of their clients didn't know where the call centre was located.

They feared they would associate Northern Ireland with disruption and that wouldn't be good for business. Northern Ireland must dispel any remaining doubts that it is bad for business. Nothing will say that like walls coming down.

It is no coincidence that the walls are in the most economically disadvantaged neighbourhoods of Belfast and it is these neighbourhoods that have so much to gain by their removal.

It is worth considering how much the walls prevent problems and how much they are an invitation to confrontation.

A fundamental shift in thinking about neighbours previously not known, feared and hated is required. It won't happen overnight. But there are some hopeful signs. There are excellent cross-community projects at several interfaces.

The parades season went off peacefully. And those inciting violence at interfaces are no longer paramilitaries but alcohol-fuelled teenagers.

While such anti-social behaviour by teenagers can be found in most American cities, the danger in Belfast is the potential those otherwise minor incidents have to turn into riots.

Many in interface neighbourhoods feel powerless, left behind, and they know that the walls are holding them back, economically as well as psychologically. But the removal of walls is something they do have control over.

This will be for people there to decide. We are simply providing a date on the horizon with the hope that it might spur conversation and consideration. In order to most accurately assess what the people at interfaces think, we will soon commission a survey of people living at interfaces.

When will peace truly come to Northern Ireland? When walls fall. There is nothing more evocative of Northern Ireland's divided past, and nothing more indicative of a shared future than their removal.

Trina Vargo is the president of the U.S.-Ireland Alliance.

CELEBRATING THE 108TH BIRTHDAY OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. SUNUNU. Mr. President, I rise today to recognize an extraordinary organization with a membership consisting of the best and the bravest America has to offer. On Saturday, September 29, 2007, we honor the Veterans of Foreign Wars of the United States, more commonly known as the VFW, by celebrating the organization's 108th birthday.

The VFW is defined by a record of service and commitment to our country and our veterans. From initially fighting to protect our freedom overseas, to later ensuring that veterans have the compensation and care they deserve back home, the 2.3 million members in approximately 8,400 Posts worldwide deserve our thanks and recognition.

Since 1899, when a group of 13 Spanish-American War veterans convened to advocate for the benefits then denied to their comrades in arms, the VFW has worked tirelessly to protect the rights of fellow veterans while continuously honoring the service of those who made the ultimate sacrifice to protect our way of life.

One of the many privileges I have in serving New Hampshire is working with representatives of the Granite State's VFW Auxiliary Posts. Never losing sight of the organization's mission or obligations, the straightforward approach of members serves as a breath of fresh air. They ask direct questions and expect direct answers. New Hampshire's VFW members should be proud of their representation.

Nationally, the VFW is committed to its mission to ''honor the dead by helping the living'' through veterans' service, community service, and steadfast advocacy of a strong national defense. This dedication can be witnessed through the organization's work to create the Veterans Administration, its efforts to establish numerous memorials in memory of those who have served, and its devotion to improving the educational, health, and other benefits owed to returning veterans. Moreover, the VFW's efforts in the community, annually providing more than 13 million hours of volunteerism and donating $2.5 million in college scholarships, further endears the organization and its members to all Americans.

At a time of ongoing conflict abroad, the VFW welcomes our returning servicemembers with support, guidance, and camaraderie as they readjust to life on the home front. Additionally, as they continue to serve the communities around them, VFW members act as role models whose experiences and commitment to service provide a beacon of light in today's society. For their longstanding and continued contributions, the VFW and its members deserve our immense respect and sincere gratitude.

50TH ANNIVERSARY OF LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION

Mr. DODD. Mr. President, this week marks the 50th anniversary of the desegregation of Little Rock Central High School, a victory for equality in education that was only secured with the help of Federal troops. The images that came out of Little Rock in September 1953 remain indelible: the National Guard literally standing in the way of equal education; a citizens' blockade threatening to break into mob violence at the mere thought of sharing their school with Black students; and the quiet dignity and courage of the Little Rock Nine. Their determination to claim their rights is still a source of inspiration, but the rest of the Little Rock crisis is a source of shame.

So we do two things on this 50th anniversary. First and foremost, we honor the nine young students who integrated Little Rock and who gave eloquent testimony that equality begins with education. We thank them today: Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls LaNier, Minnijean Brown, Gloria Ray Karlmark, Thelma Mothershed, and Melba Pattillo Beals.

But second, we need to forthrightly face the truth this week: 50 years later and 53 years after Brown v. Board of Education, the work they helped begin is still incomplete. Segregation in law is over, but who can doubt that it persists in fact? National Guard troops may no longer be blocking children from the door to an equal eduation, but the forces that have taken their place, if less visible, are no less potent.

Whether an American child has good teachers, whether that child has up-to-date textbooks, whether that child goes to school in a safe, modern building—all of these educational essentials depdend far too much on where that child happens to live. In fact, America—the country that struck down segregation more than a half-century ago—ranks at the bottom of developed countries in the disparity of schooling it offers to the rich and the poor. Why doesn't that gap shame us just as much as anything that happened in Little Rock?

Mr. President, a textbook published in this millenium should not be a luxury. Modern school buildings and computers and libraries should not be luxuries. Qualified teachers, competent guidance counselors, rigorous curricula, small classes—they should not

be luxuries. Children should not be entitled to them because they happen to live in affluence; they are entitled to them because they live in America.

Let us look to this important anniversary for inspiration to desegregate American education for good and for all—to complete the work begun so bravely by the Little Rock Nine.

COURAGE AND BRUTALITY IN BURMA

Mr. LEAHY. Mr. President, for the past 10 days, people around the world have watched with admiration and increasing trepidation as over 100,000 courageous Burmese citizens, led by thousands of maroon clad Buddhist monks, have demonstrated peacefully in Burma's capital city in support of democracy and human rights. They have been calling for an end to military dictatorship and the release of Burma's rightful, democratically elected leader, Aung San Suu Kyi, who has been either in prison or under house arrest for 11 of the past 18 years.

Today, there are reports that Burmese soldiers had cordoned off the streets, fired tear gas, shot and killed several of the protesters and a Japanese journalist, raided monasteries and arrested opposition party members and hundreds of monks. The vicious response by the Burmese military against masses of peaceful, dignified, unarmed citizens, while not surprising, is intolerable and should be universally condemned.

Earlier this week, President Bush made a forceful statement before the United Nations General Assembly criticizing the repression of Burma's military leaders and announcing tighter sanctions and visa restrictions. The President's announcement is welcome.

U.S. leadership is essential, but it can only go so far. Bringing democracy and human rights to the Burmese people will require far stronger pressure from its neighbors and trading partners such as China, Thailand, Russia, and India. It will require these and other nations to disavow the failed policies of engagement with the Burmese junta.

I have long believed that engagement is most often the best policy, but there comes a time when it has demonstrably failed, and there is no more obvious example of this than Burma. A different approach is long overdue.

Burma's friends and allies must make unequivocally clear what President Bush and others have said, and what the brave citizens of Burma are calling for: Burma will suffer severe economic sanctions unless Aung San Suu Kyi and other political prisoners are released and the generals in charge agree to hand over power.

In his own speech at the United Nations, Secretary General Ban Ki-moon voiced hope that the Burmese junta would ''exercise utmost restraint'' and engage in a dialogue with ''relevant parties'' in seeking national reconciliation. Obviously, that has not happened. Since then, the Secretary General has sent his special envoy to Burma to try to convince the Burmese junta to resolve this crisis peacefully.

It is very disappointing that China, Burma's largest trading partner, has once again put its economic interests, and Burma's corrupt generals, above the fundamental rights of the Burmese people. China, which has more influence over the Burmese junta than any other government, blocked the U.N. Security Council from adopting a resolution condemning the violence.

It is a sad commentary on a country that the rest of the world entrusted to host the next Olympics. While China has urged the generals to exercise restraint, history has shown that in Burma words alone are not enough. We hoped China would act differently this time, but so far we have been mistaken.

Many times in the past, peaceful protests in Burma have been put down with brute force. Countless Burmese citizens have been imprisoned or killed for doing nothing more than speaking out in support of democracy.

The past 10 days of protests have attracted far greater crowds, and because of the Internet the whole world can see their numbers, their bravery, and the strength of their conviction. The people of Burma are an inspiration to people everywhere, and they are asking for our support. Without it they cannot succeed. If all nations stand united behind them now, Burma's long nightmare can finally come to an end.

CRITICAL ACCESS HOSPITAL IMPROVEMENTS

Mr. CONRAD. As the chairman knows, many rural hospitals are facing significant financial pressure and are finding it increasingly difficult to operate under the Medicare prospective payment system. In response, the chairman and I have worked closely to support our rural facilities and established the Critical Access Hospital Program in 1997. This program was designed to help small, rural facilities remain financially viable in the face of inadequate Medicare reimbursement, and it has been tremendously beneficial to maintaining access to hospital care across North Dakota and other rural states.

Mr. BAUCUS. I share my colleague's support for the Critical Access Hospital Program. Like North Dakota, Montana struggles to maintain sufficient access to hospital care. The Critical Access Hospital Program has been an important component in ensuring that our hospitals can remain open and continue to serve Medicare beneficiaries.

Mr. CONRAD. Despite the successes that have been achieved under the Critical Access Hospital Program, changes made as part of the Medicare Modernization Act of 2003 have harmed the ability of certain critical hospitals, such as St. Joseph's Hospital in Dickinson, ND, to become critical access hospitals. It is imperative that flexibility be reinstated in the program to allow States to deem hospitals as necessary providers and, therefore, eligible for critical access hospital status. I have spoken with you about this issue in the past and am pleased that you are willing to consider this issue during consideration of a Medicare package later in the year.

Mr. DORGAN. I strongly support reinstating the ability of States to deem necessary providers to be critical access hospitals. The Critical Access Hospital Program has helped ensure that the doors stay open at many hospitals in rural America. Without this program, many Medicare beneficiaries in my State would have to drive hours to receive health care. I think it is important to give States flexibility to deem necessary providers as critical access hospitals and not rely on a one-size-fits-all definition. If we don't address this issue, I am worried that one of our hospitals in western North Dakota, St. Joseph's Hospital, may not be able to survive. I appreciate Chairman BAUCUS' commitment to work with us to address this issue and to consider modifications to the Critical Access Hospital Program that would allow St. Joseph's Hospital in Dickinson, ND, to participate.

Mr. BAUCUS. I applaud my colleague's efforts on this issue and assure you that I am committed to working with you to enact modifications and improvements to the Critical Access Hospital Program in Medicare legislation later this year that will assist hospitals like St. Joseph's.

Mr. CONRAD. I thank my colleague for his commitment and look forward to working with you to craft a reasonable solution that benefits St. Joseph's.

NATIONAL LEARN AND SERVE CHALLENGE

Mr. KENNEDY. Mr. President, this week marks the first-ever nationwide Learn and Serve Challenge, a series of events occurring across the country to raise awareness about the value of service learning and the role of Learn and Serve America in supporting and promoting it.

Service learning is a way for schools, colleges, and communities to combine community service and academic learning in ways that increase student learning, strengthen partnerships between schools and the communities they serve, and perhaps most importantly, tap into young people's endless ideas and enthusiasm for solving problems.

We know that the real benefits of service learning go far beyond the events of a week, or even a year. They last a lifetime, because countless students who participate in service learning continue to serve throughout their lives.

As my brother Robert Kennedy said, each time persons stand up for an

ideal, or act to improve the lot of others, or strike out against injustice, they send forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

When young students create such ripples and see their effects, they remember them all their lives. They remember their own ability to help others, and the joy and satisfaction it can bring. They develop a habit of service that follows them throughout their careers. And this is what makes service learning so very important.

Through community service, all of us have the opportunity to make our own lives better by helping others. And through strong service learning, schools are teaching generations of young people the joy of helping others. We are also doing much more. We are making our democracy stronger. Our democracy depends on the active involvement of citizens to shape our government and shape our communities.

There is no question that America needs students who are well-educated in every way. We are working to do better in this respect, but we need to do much more. We need students who grow up understanding what it is to serve, to give back to their community, to help others. Our nation will always draw strength from a committed and engaged citizenry. Service learning helps us build that better citizenry, one student at a time.

Seventeen years ago, I was the original sponsor of the National and Community Service Act of 1990. We reached across the aisle to recognize an important priority: to encourage and increase service in America. Among the many accomplishments of that legislation was the creation of Serve America, a new program to promote the practice of service learning in American schools.

That program, now called Learn and Serve America, has exceeded the high expectations we had for it. Last year, 1.4 million students participated in service learning nationwide through Learn and Serve. Since the creation of the program, over 14 million students have served their communities because of it. It's an impressive accomplishment to have touched so many lives. I congratulate all of those who have participated in Learn and Serve over the years, and especially those who have guided the program so successfully.

The Learn and Serve Challenge events taking place across America this week are an effective way to bring new and well-deserved attention to the program and to the benefits of service learning, and I look forward to even more impressive successes of this unique program in the years ahead.

PROJECTS SPONSORSHIP—S. 1745

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of several congressionally designated projects included in the report accompanying S. 1745, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008, S. Rpt. 110–124. Specifically:

The report should indicate that funding provided through the Department of Justice for the Presidential Candidate Nominating Conventions for 2008 was requested by Senators ALLARD, COLEMAN, KLOBUCHAR, and SALAZAR.

Senator LEVIN should be listed as having requested funding for Grand Rapids Public Schools, Grand Rapids, MI, for an academic prevention and workforce skills program funded through the Department of Justice.

Senator STABENOW should be listed as having requested funding for the Ruth Ellis Center, Highland Park, MI, for an outreach program funded through the Department of Justice.

Senators SCHUMER and BILL NELSON should not be listed as having requested funding for Regional Climate Centers funded through the Department of Commerce.

Finally, Senator MCCASKILL has withdrawn her request for the following activities funded through the Department of Justice: Rape, Abuse & Incest National Network, RAINN, Partnership for a Drug Free America Meth360 Program, and Big Brothers, Big Sisters.

RETIREMENT OF GENERAL PETER PACE

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a true patriot and exceptional leader of our military, GEN. Peter Pace, Chairman of the Joint Chiefs of Staff, for his more than 40 years of dedicated service to the U.S. Armed Forces and to our country.

General Pace has devoted his life to service of his country. For him, duty, honor, and commitment have been more than words. They have been a career and a way of life. America is great because of the service and sacrifice of Americans like General Pace. We are deeply grateful for his service.

General Pace has consistently put the military ideal of service to country before himself and has shown exceptional concern for the well-being of our men and women in uniform. Indeed, if there is one trait that can be said to define the character of General Pace, it is that he has been guided in all his decisions by an intense feeling of duty to the soldiers, sailors, airmen, and marines who defend the freedoms we all enjoy.

This brave patriot is retiring October 1, marking the end of a long and distinguished military career.

GEN. Peter Pace began his service to America at the U.S. Naval Academy. In 1968, after completing officer training at the Basic School in Quantico, Virginia, General Pace was assigned to the 2nd Battalion, 5th Marines, of the 1st Marine Division in Vietnam.

In Vietnam, he served first as a rifle platoon leader and subsequently became an assistant operations officer. He joined the platoon during the battle for Hue City and was the unit's third platoon leader in as many weeks.

For his service and heroism, General Pace was decorated for valor during his tour in Vietnam. Yet what mattered most to him were the troops he led, some of whom, tragically, lost their lives for the country we love. General Pace holds as one of his most valued treasures the photo of LCpl Guido Farinaro, the first marine he lost in combat. The lance corporal's forever young likeness is under the glass on General Pace's desk, each day reminding him of the impact of his decisions as a military leader. General Pace has often been quoted as saying that it is the duty of every soldier to live his or her life in an exemplary way and take on an extra measure of responsibility for those fellow soldiers who have been killed and whose families now live without them. This dedication to the fallen, and to the survivors, is characteristic of General Pace.

Following Vietnam, General Pace was assigned to Marine Barracks, Washington, DC, where he served as security detachment commander at Camp David, a White House social aide, and platoon leader of Special Ceremonial Platoon.

Over the next two decades, General Pace held command at virtually every level and served our country throughout the world. While a brigadier general, he served as deputy commander of Marine Forces, Somalia, from December of 1992 to February of 1993, and as deputy commander of Joint Task Force—Somalia from October 1993 to March 1994.

On September 30, 2005, General Pace became the country's senior military leader when he was sworn in as the 16th Chairman of the Joint Chiefs of Staff on September 30, 2005. General Pace also made history—he had the distinction of being the first marine to serve in this role and of being the first Italian American to do so.

I know from my personal conversations with him that General Pace took modest pride from that last fact. And believe that General Pace—whose name means ''peace'' in Italian—knew full well that his was a fitting name for a soldier because the path to achieving peace, and to preserving it, is through the kind of strong and capable a military to which he devoted his career.

The Chairman of the Joint Chiefs is always a challenging job but never more so than at a time when the Nation is at war. He has been a respected source of military counsel for our country's leaders. He has worked to help transform the military so that it will be able to address the myriad of global challenges during this time of

war. Now, he leaves his chairmanship knowing that our Armed Forces in Iraq have been making new progress there, thanks to a new strategy put in place under his watch.

As has been his practice since he left Annapolis 40 years ago, General Pace has always kept the best interests of our men and women in uniform in the forefront of discussions. General Pace is known for his thoughtful manner, his sense of humor, and above all his consummate integrity. One Pace trademark we have all come to value is his constant reference to ''PFC Pace'' in all military-related discussion, his attempt to ensure that the President, the Secretary of Defense, the National Security Council, the Homeland Defense Council, and the Congress consider the impact of their decisions on the most junior members of our military. General Pace's leadership has made a significant contribution to improving the security of the United States as we wage this war to protect our Nation and our liberty.

As Chairman of the Joint Chiefs, General Pace has had a valued partner in helping to improve the quality of life for the family members who sustain our all-recruited force. His wife Lynne has diligently worked with her husband to assist military families in quite literally every clime and place. Throughout her husband's career, at each duty station, she focused on working to improve their quality of life, both as a key volunteer, where she provided advice on family readiness and financial assistance issues, and as a LINKS volunteer—Lifestyles, Insights, Networking, Knowledge, and Skills—where she was a mentor to other military spouses and helped them adapt to the unique challenges of military life. In addition to serving on the boards of CARE, which works to eradicate world poverty through education, health, and economic programs, and the Armed Services YMCA, Lynne has worked with the USO, Americans with Disabilities, and numerous other volunteer groups. She also helped to develop a curriculum for spouses that became an integral part of the Commanders Course.

The Paces' proudest accomplishment undoubtedly is their two children, Peter, a captain in the U.S. Marine Corps Reserve, and Tiffany Marie, who is an accountant. This is truly a family that embodies the greatness of our blessed land.

General Pace will indeed be remembered as a dedicated Chairman of the Joint Chiefs of Staff, a true patriot, a courageous warrior, a distinguished general, and a dedicated leader with the highest integrity and compassion for all who had the distinct honor of serving with him.

When General Pace was appointed to become Chairman of the Joint Chiefs, President Bush remarked, ''To the American people, the Marine is shorthand for can-do, and I'm counting on Pete Pace to bring the Marine spirit to these new responsibilities.'' General Pace has always lived his life and served his country in the Marine spirit. A grateful nation extends her appreciation.

Semper Fi.

ADDITIONAL STATEMENTS

ALBUQUERQUE READS PROGRAM

• Mr. DOMENICI. Mr. President, I wish to recognize the Albuquerque Reads program and Pat Dee for the work he has done on this immensely successful program.

Albuquerque Reads has helped thousands of students in the Albuquerque area gain proficiency in reading. Reading can expand a student's imagination and open their minds to new ideas. Reading is the gateway to attaining knowledge. This very basic skill can catapult students into new levels of understanding and give them the tools they need to excel. I have always been an avid reader, which has helped me become what I am today. I never stop learning, and I hope these students never stop either.

It was a pleasure to visit with Pat Dee when I was in New Mexico a few weeks ago. The work he has done with this program has been noticed by many, including the President of the United States. Mr. Dee received a Volunteer Service Award from the President for the many hours he has dedicated to helping students learn to read. He directs over 300 volunteers who help facilitate the program and is looking to expand it with an additional 200 volunteers. Albuquerque Reads places these volunteers in underperforming schools to tutor kindergarteners. With their help, reading proficiency has increased 40 percent.

I want to say thank you to Albuquerque Reads and Pat Dee for all that you have done for students in the area. I wish you much success in the future.•

RETIREMENT OF HIRO PAUL MIZUE

• Mr. INOUYE. Mr. President, on September 29, 2007, Mr. Hiro Paul Mizue, Chief of the Civil and Public Works Branch, Honolulu Engineer District, HED, U.S. Army Corps of Engineers, will retire from U.S. Government service following 34 years of exemplary service to Hawaii, the Pacific Region, the U.S. military, and our Nation.

Over the course of these 34 years, Mr. Mizue has served with integrity and distinction. I have personally witnessed his conviction to duty and steadfast dedication to improving the lives of citizens and servicemembers.

Mr. Mizue has demonstrated the highest values and ideals over his years of distinguished service, excelling at every assignment in his career, which covers every facet of civil and military planning and design management. He has exercised exceptional leadership and management skills on behalf of the Army Corps of Engineers to achieve much lauded success.

His professional career in water resources began with the Los Angeles County Flood Control District in 1968 as a hydraulic engineer. Called to duty by the U.S. Army in 1969, he was assigned to HED as a civil engineer where he worked in the Civil Works Branch at Fort Armstrong. Upon discharge in 1971, he returned to the Los Angeles Flood Control District. In 1974, he relocated to Hawaii, joining the Honolulu firm of Belt Collins and Associates as a civil engineer. He rejoined the Honolulu District in late 1975 as a hydraulic engineer, managing water resources feasibility studies.

In 1983, Mr. Mizue transferred to HED's military engineering division where he served as the Chief of the Family Housing/Hospital Division until 1995. During this period, he provided exceptional project management support culminating with $271 million in construction of new family housing for our brave servicemembers on Hickam AFB, Wheeler AAF, Schofield Barracks, Aliamanu Military Reservation, and Fort Shafter. Also of note are Mr. Mizue's efforts in managing $100 million in design-build contracts for a much needed expansion of the Tripler Army Medical.

Having demonstrated exemplary leadership and management skills, Mr. Mizue was promoted to Chief of Planning Division in 1995; this office later became Civil and Public Works Branch. In this capacity, Mr. Mizue provided high-quality planning services to the State of Hawaii, Guam, Commonwealth of the Northern Marianas, and American Samoa. In addition, he implemented comprehensive/holistic planning by having Corps planning studies evaluate water resources problems broadly and at a watershed level. This approach formed the basis for Federal, State, and local agencies to implement integrated water resources development projects. Mr. Mizue typified customer care by constantly striving to provide the highest quality planning services and products in a responsive manner.

In 2006, Mr. Mizue led HED's response to assist the State and counties with dam safety inspections after the Kaloko Dam failure and later following a 6.7-magnitude earthquake. HED's responses to these disasters demonstrated the exceptional working relationship with the State of Hawaii. Through his leadership, expertise, and experience, HED became recognized as the proven leader in project execution, accomplishment, and responsiveness.

During his 12 years as Chief of Civil and Public Works Branch for the Honolulu District, Mr. Mizue parlayed his extensive leadership skills to accomplish notable Branch achievements. A major civil works project built during his tenure was the Alenaio Stream Flood Control project, on the Big Island, completed in 1997 at a cost of $16

million. During the storm of November 2000, the improvement prevented approximately $13 million worth of damages and remains fully functional today.

More recently, Mr. Mizue successfully led the district through its biggest civil works construction program in many years with highly visible and vital projects, such as the $28 million Kaumalapau Harbor Project on the Island of Lanai, the $124 million Palau Compact Road Project in the Republic of Palau, and the $19 million Kikiaola Small Boat Harbor Project on the Island of Kauai. Under his tutelage, the Honolulu District has achieved the highest customer satisfaction rating for its civil works program in its history. While these accomplishments attest to his commitment to client satisfaction, his nurturing, and pragmatic management style earned him a reputation as a solid team player and a supportive, fair supervisor and mentor to his staff. Mr. Mizue exemplifies not only an effective manager but, more importantly, a dedicated and caring leader.

Mr. Mizue is a recognized representative of the Corps in the Pacific Region. Under his management, the civil works and capital improvement programs expanded in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, providing for the essential needs of these communities. Mr. Mizue's exemplary administrative and leadership skills have always led the way. He has established lasting relationships with the Hawaii congressional delegation, as well as the Governors of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. The assets that he brings to bear on behalf of the Corps of Engineers are considerable.

Born in Tokyo, Japan and raised in California, Mr. Mizue is a registered professional engineer in California and Hawaii, a member of the American Society of Civil Engineers, and a graduate of the CP–18 Executive Development Program. He holds a bachelors of science degree in engineering from the University of California, Los Angeles and a master of science degree in Water Resource Engineering from Utah State University. He received the Commander's Award for Civilian Service in 1993 and 2002. Mr. Mizue is married to the former Ruby E. Ibaraki. They have three children, Evan, Reid, and Cara.

Mr. President, Mr. Mizue's lifelong contributions to the Army are considerable. His recognized leadership and management skills, his ability to forge lasting substantive relationships, and his clear direction and vision point to a truly outstanding individual who has dedicated his life to service. The Honolulu Engineer District will continue to serve as ''America's Engineers in the Pacific.'' Paul Mizues's legacy of unwavering dedication to duty to the U.S. Army will carry on. Thank you, Mr. Mizue for a job well done. You have the gratitude of a grateful nation.●

IN RECOGNITION OF PAUL WICE

● Mr. NELSON of Nebraska. Mr. President, I wish to congratulate a radio legend in my home State of Nebraska. Paul Wice, who has been a talk show host, news reporter, and news director at KGFW Radio in Kearney, NE, for nearly 40 years, is retiring and will broadcast his final show on September 28, 2007.

Paul got his start in radio working part time, while earning a bachelor's degree in 1966 in speech and music from what was then known as Kearney State College. His first full-time radio job was at KWBE in Beatrice, NE, where he served as news director.

In 1967 Paul returned to Kearney as the afternoon announcer and news director at KGFW. Deciding to try something other than radio, he left the station just a year later to join the Kearney Hub newspaper. He quickly found that his heart was in radio and returned to KGFW as its news director in 1969. Paul has been there ever since and is now in his 38th consecutive year of broadcasting on KGFW to the people of central Nebraska.

While working full time, Paul went on to earn a master's degree in speech communication in 1988 and has served as an adjunct instructor at the University of Nebraska-Kearney since then. He is responsible for KGFW receiving the coveted Mark Twain Award from the Nebraska Associated Press five times, including three consecutive years from 1997 to 1999.

A past president of Nebraska Associated Press Broadcasters, Paul was also the first recipient of the Lifetime Achievement Award from the Nebraska AP. He currently serves on the Freedom of Information Committee of the Nebraska Broadcasters Association. He has covered it all for KGFW, including riding on the Robert F. Kennedy train in 1968, just months before the Presidential contender was assassinated. On the other end of the political spectrum, Paul attended a White House Radio-Television News Directors Association luncheon with then-President Ronald Reagan. He also served as the Nebraska Broadcasters Association's official witness to the first execution in Nebraska in decades.

Paul made his mark serving the people of Kearney and central Nebraska, not only as a successful broadcaster but as a dependable source of news year after year. It is highly unusual in this day and age for someone to be able to say they have worked for the same employer for nearly four decades, especially in the highly competitive field of broadcasting.

At every turn in my own political career, from my days as State insurance director to my terms as Governor to my present role as a U.S. Senator, Paul has been there to cover the news, and I will miss interviewing with him in the future.

Paul Wice has definitely been ''The Talk of the Town,'' as his radio program is called. His absence from the airways will leave a void that will be tough to fill, but I am sure I join all Nebraskans in wishing him well in retirement as he signs off the air for the very last time.●

WEST VIRGINIA'S 2007 ANGEL IN ADOPTION

● Mr. ROCKEFELLER. Mr. President, it is my great honor to highlight the work of a devoted and difference-making West Virginian. Dennis Sutton, through his work in the Children's Home Society, has been a true asset to adoptive and foster parents and adoption agencies both in West Virginia and across the Nation. I would like to take a moment to highlight his service to his community and congratulate him on receiving the Congressional Adoption Caucus's Angel of Adoption Award.

As the CEO of Children's Home Society of West Virginia, Dennis Sutton has dedicated his organization's program to securing loving homes for West Virginia's children in need—a derivative from his belief that every child is entitled to a loving family and home. Children's Home Society of West Virginia's utmost priority of bringing children and families together has been the result of more than 110 year experience, skilled and well-informed staff, certification by the National Council on Accreditation, and readily available statewide service.

Dennis Sutton's commitment to our Nation's vulnerable children can be further seen in his participation as a founding member of Children's Home Society of America. A national organization, CHSA is comprised of the leading child welfare agencies across the country and aims to promote the safety, nurturing, and well-being of vulnerable children. This remarkable organization is working to make the adoption process easier for everyone involved but put children in the care of stable families, give them the tools to succeed in today's world, and give them hope.

To me, it is clear that this kind of work merits the Angel in Adoption Award. Because of Children's Home Society of America, more than 250,000 children are now living in stable environments. That is an extraordinary accomplishment, one that will benefit our communities now and in the future. Dennis truly has been a passionate advocate for our children in need, has laid the groundwork for a better adoption process, and has put forth the bold vision to enrich and strengthen the fabric of this Nation.

I am delighted to have had this opportunity to highlight not only the wonderful cause but the person who is working on this in my State of West Virginia. To Dennis and the Children's Home Society of America, I offer my most profound respects and deepest appreciation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement (Agreement). The Agreement represents a historic development in our relations with Peru, and it reflects the commitment of the United States to supporting democracy and economic growth in Peru. It will also help Peru battle illegal crop production by creating alternative economic opportunities.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening new markets and eliminating barriers.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. This will help to level the playing field, since over 97 percent of our imports from Peru already enjoy duty-free access to our market under U.S. trade preference programs. United States agricultural exports will enjoy substantial new improvements in access. Almost 90 percent, by value, of current U.S. agricultural exports will be able to enter Peru duty-free immediately, compared to less than 2 percent currently. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Peru.

The Agreement forms an integral part of my Administration's larger strategy of opening markets around the world through negotiating and concluding global, regional, and bilateral trade initiatives. The Agreement provides the opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy and freedom while contributing to further hemispheric integration.

Approval of this Agreement is in our national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 27, 2007*.

MESSAGE FROM THE HOUSE

At 1:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 27, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

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–3443. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Removal of Quarantined Area'' (Docket No. APHIS–2007–0051) received on September 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3444. A communication from the Assistant to the Board, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (Docket No. R–1279) received on September 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3445. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Saudi Arabia including equipment and services needed to support a greenfield petrochemical plant; to the Committee on Banking, Housing, and Urban Affairs.

EC–3446. A communication from the Secretary, Office of Investment Adviser Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule Regarding Principal Trades with Certain Advisory Clients'' (RIN3235–AJ96) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3447. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Definitions of Terms and Exemptions Relating to the 'Broker' Exceptions for Banks'' (RIN3235–AJ74) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3448. 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 ''Regulations Governing Practice Before the Internal Revenue Service'' ((RIN1545–BA72) (TD 9359)) received on September 25, 2007; to the Committee on Finance.

EC–3449. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Campaign Funds for Donations to Non-Federal Candidates and Any Other Lawful Purpose Other Than Personal Use'' (Notice 2007–18) received on September 25, 2007; to the Committee on Rules and Administration.

EC–3450. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the second quarter report of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC–3451. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Vehicle Operations and Maintenance function at Travis Air Force Base; to the Committee on Armed Services.

EC–3452. 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; Indiana; Oxides of Nitrogen Regulations, Phase II'' (FRL No. 8472–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3453. 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; Alabama; Clean Air Interstate Rule'' (FRL No. 8475–9) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3454. 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 of Implementation Plans of Kentucky: Clean Air Interstate Rule'' (FRL No. 8475–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3455. 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; Mississippi; Clean Air Interstate Rule'' (FRL No. 8475–8) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3456. 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; New Jersey; Clean Air Interstate Rule'' (FRL No. 8472–5) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3457. 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 of Implementation Plans; North Carolina: Clean Air Interstate Rule'' (FRL No. 8475–6) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3458. 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 ''Florasulam; Pesticide Tolerance'' (FRL No. 8148–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3459. 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 ''Tembotrione; Pesticide Tolerance'' (FRL No. 8148–2) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3460. 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 ''Quinclorac; Pesticide Tolerance'' (FRL No. 8149–5) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3461. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report relative to the status of children in Head Start Programs for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3462. A communication from the Chief Acquisition Officer, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–19) received on September 26, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3463. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to the compliance of courts of appeals and district courts with time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–3464. A communication from the Chief Executive Officer, Air Force Sergeants Association, transmitting, pursuant to law, a report relative to the financial statements of the Association for the year ended April 30, 2007; to the Committee on the Judiciary.

EC–3465. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Flexibility Program'' (71 FR 4035) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3466. 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 ''Guidance on Passive Foreign Investment Purging Elections'' (TD 9360) received on September 26, 2007; to the Committee on Finance.

EC–3467. 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 ''Suspension of Rev. Rul. 2007–54'' (Rev. Rul. 2007–61) received on September 26, 2007; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 258. A resolution recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 45. A concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

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 Gen. Kevin P. Chilton, 0000, to be General.

Air Force nomination of Maj. Gen. Ted F. Bowlds, 0000, to be Lieutenant General.

Army nomination of Maj. Gen. Thomas G. Miller, 0000, to be Lieutenant General.

Army nomination of Gen. William E. Ward, 0000, to be General.

Army nomination of Brig. Gen. David N. Blackledge, 0000, to be Major General.

Army nomination of Col. Keith D. Jones, 0000, to be Brigadier General.

Army nomination of Brig. Gen. Christopher A. Ingram, 0000, to be Major General.

Army nomination of Col. Oliver J. Mason, Jr., 0000, to be Brigadier General.

Marine Corps nomination of Lt. Gen. James N. Mattis, 0000, to be General.

Navy nomination of Vice Adm. Mark P. Fitzgerald, 0000, to be Admiral.

Navy nomination of Rear Adm. Carl V. Mauney, 0000, to be Vice Admiral.

Navy nomination of Adm. Gary Roughead, 0000, to be Admiral.

Navy nomination of Vice Adm. Jonathan W. Greenert, 0000, to be Admiral.

Navy nomination of Capt. Lawrence S. Rice, 0000, 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 Records 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 Laura E. Barnes and ending with Kevin L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Dana M. Adams and ending with Monica L. Wheaton, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nomination of William H. Sneeder, Jr., 0000, to be Colonel.

Air Force nomination of Frank W. Shagets, 0000, to be Colonel.

Air Force nominations beginning with Mark W. Duff and ending with Andrew Stoy, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Air Force nomination of John M. Alden, Jr., 0000, to be Lieutenant Colonel.

Air Force nomination of Frederick M. Abruzzo, 0000, to be Major.

Air Force nominations beginning with William W. Dodson and ending with John R. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Air Force nominations beginning with Thomas E. Marchiondo and ending with Kyung L. Boen, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Air Force nominations beginning with David W. Ashley and ending with Marc D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Army nomination of Dwayne S. Tupper, 0000, to be Major.

Army nomination of Suzanne R. Todd, 0000, to be Major.

Army nomination of Ralph C. Beaton, 0000, to be Major.

Army nomination of Kristen M. Bauer, 0000, to be Major.

Army nomination of Jose M. Torres, 0000, to be Major.

Army nominations beginning with Richard D. Ares and ending with Yvette Woods, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Kenneth E. Despain and ending with Thomas J. Steinbach, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Marvella Bailey and ending with Gayla W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Cara M. Alexander and ending with D060835, which nominations were received by the Senate and

appeared in the Congressional Record on August 2, 2007.

Army nomination of Shirley Haynes, 5987, to be Major.

Army nomination of Adam R. Liberman, 0000, to be Major.

Army nominations beginning with Joseph W. Brown and ending with Cynthia D. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of Pamela J. Meyers, 7318, to be Major.

Army nomination of Jerry D. Michel, 0000, to be Lieutenant Colonel.

Army nominations beginning with Antonio Marinezluengo and ending with Thomas R. Roesel, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Daniel L. Ducker and ending with Paul J. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of Scott T. Krawczyk, 0000, to be Colonel.

Army nomination of Roland D. Aut, 0000, to be Colonel.

Army nomination of Eileen G. McGonagle, 0000, to be Colonel.

Army nomination of Val L. Peterson, 0000, to be Colonel.

Army nomination of Jordan T. Jones, 0000, to be Colonel.

Army nomination of Martin E. Weisse, 0000, to be Colonel.

Army nominations beginning with Jeffrey L. Anderson and ending with David S. Lee, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Michael J. Norton and ending with William J. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with John J. Garcia and ending with Keith E. Knowlton, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Daniel C. Danaher and ending with Jesse D. Wade, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Tracy R. Norris and ending with Gary B. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of David M. Ruffin, 0000, to be Major.

Army nomination of Todd A. Wichman, 0000, to be Major.

Army nominations beginning with Donald S. Abbottmccune and ending with D070066, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Malik A. Abdulshakoor and ending with D060714, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Jesse Abreu and ending with D060773, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Hector J. Acostarobles and ending with D060704, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Albert J. Abbadessa and ending with D070028, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with David W. Alley and ending with X1966, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nomination of Shawn D. Smith, 0000, to be Major.

Army nominations beginning with Brian D. Allen and ending with Michael R. Conners, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Marine Corps nomination of Jon B. Livingston, 0000, to be Major.

Marine Corps nomination of Arthur E. Verdugo, 0000, to be Colonel.

Navy nomination of Ronnie M. Citro, 0000, to be Lieutenant Commander.

Navy nominations beginning with Kathleen M. Baldwin and ending with Tanya D. Lehmann, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Michael L. Farmer and ending with Thomas S. Price, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Suzanna G. Brugler and ending with Erik J. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Aldrith L. Baker and ending with Ennis E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Victor Allende and ending with Darren B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Erik E. Anderson and ending with William Wright, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Lane C. Askew and ending with Richard M. Zamora, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Sharon D. Barnes and ending with Deborah B. Yusko, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Jay P. Aldea and ending with Eric D. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Daryl G. Adamson and ending with Michael D. Yelanjian, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Jeffrey J. Abbadini and ending with Ronald W. Zitzman, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Charles R. Allen and ending with Michael D. Vancas, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nomination of Martin K. De Fant, 0000, to be Lieutenant Commander.

Navy nomination of Gregory E. Walters, 0000, to be Lieutenant Commander.

Navy nominations beginning with Brett T. Bowlin and ending with Jeanine B. Womble, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Ruben D. Acosta and ending with Luke A. Zabrocki, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Paul H. Abbott and ending with Carol B. Zwiebach, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Rene J. Alova and ending with Joyce N. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Mark E. Allen and ending with Georgina L. Zuniga, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Don N. Allen, Jr. and ending with Jeffery S. Young, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Cerino O. Bargola and ending with Teddy L. Williams, Jr., which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with James Alger and ending with Jason N. Wood, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Douglas E. Baker and ending with Sheila R. Williams, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 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 nomination of Thomas T. Pequignot, 0000, to be Lieutenant.

Coast Guard nominations beginning with Joseph E. Vorbach and ending with Thomas W. Denucci, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

Coast Guard nominations beginning with Jeffrey G. Anderson and ending with Conrad W. Zvara, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

Coast Guard nominations beginning with Christopher D. Alexander and ending with Steven A. Weiden, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

By Mr. DORGAN for the Committee on Indian Affairs.

*Kristine Mary Miller, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

*Brenda L Kingery, of Texas, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Julie E. Kitka, of Alaska, to be a Member of the Board of Trustees of the Institute of

American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Sonya Kelliher-Combs, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2008.

*Perry R. Eaton, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

James Russell Dedrick, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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 Mrs. FEINSTEIN:

S. 2104. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the temporary suspension of duty for certain DVD readers and writers; to the Committee on Finance.

By Mr. HAGEL:

S. 2105. A bill to provide for the establishment of the Federal Health Care Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ):

S. 2106. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 2107. A bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY (for herself, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mr. INOUYE, Mr. KERRY, and Mr. LAUTENBERG):

S. 2108. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 2109. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. SANDERS):

S. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. ALEXANDER, and Mr. AKAKA):

S. 2112. A bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY) (by request):

S. 2113. A bill to implement the United States-Peru Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(b) of Public Law 107-210.

By Mrs. CLINTON:

S. 2114. A bill to amend the Truth in Lending Act, to provide for enhanced disclosures to consumers and enhanced regulation of mortgage brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN:

S. 2115. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the ''Welcome to Medicare'' physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 334. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. SCHUMER, and Mr. DURBIN):

S. Res. 335. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. LEAHY, Mr. LUGAR, Mr. WEBB, Mr. REID, Mr. CONRAD, Mr. DODD, Mr. ALLARD, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. DORGAN, Mr. STEVENS, Mr. LOTT, Mr. KENNEDY, Mr. ROBERTS, Mr. BENNETT, Mr. COCHRAN, Mr. COLEMAN, and Mr. BUNNING):

S. Res. 336. A resolution recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 156

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 396

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 396, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations.

S. 446

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 721

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 911

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 959

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 979

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1102

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1895

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1925

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1925, a bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1970

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2031

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2031, a bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration.

S. 2070

At the request of Mr. DEMINT, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2070, a bill to prevent Government shutdowns.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2094

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2094, a bill to increase the wages and benefits of blue collar workers by strengthening labor provisions in the H–2B program, to provide for labor recruiter accountability, and for other purposes.

S. 2103

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S.J. RES. 18

At the request of Mr. BINGAMAN, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S.J. Res. 18, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program.

S. CON. RES. 47

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

AMENDMENT NO. 2236

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2236 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2251

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 2251 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2897

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 2897 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2905

At the request of Mr. SANDERS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2905 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2925

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2925 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2944

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2944 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2960

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 2960 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2999

At the request of Mr. WEBB, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2999 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2999 proposed to H.R. 1585, supra.

AMENDMENT NO. 3003

At the request of Mrs. MCCASKILL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Tennessee (Mr. CORKER), the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3003 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3073

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3073 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3074

At the request of Mr. SPECTER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3074 intended to be proposed to H.J. Res. 52, a joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

AMENDMENT NO. 3075

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3075 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ):

S. 2106. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to the offer the Procedural Fairness for September 11 Victims Act, a simple bill that ensures procedural fairness for the parties to litigation arising out of the terrible events of September 11, 2001.

When we passed the September 11 Victims Compensation Fund of 2001, we established a Federal cause of action in the U.S. District Court for the Southern District of New York as the exclusive remedy for damages arising out of the September 11 attacks. The Federal Rules of Civil Procedure effectively limit service of a subpoena by a party to an action under the Victims Compensation Fund to within 100 miles of the Southern District of New York. Litigating a Federal cause of action under the Victims Compensation Fund is likely to involve the testimony and the production of documents by a substantial number of witnesses who may not reside within 100 miles of the

Southern District of New York. Neither the Victims Compensation fund statute nor the Federal rules, however, currently provide an effective means for securing such testimony or documents.

The Procedural Fairness for September 11 Victims Act addresses this oversight by allowing parties to Victims Compensation Fund actions to subpoena witnesses and documents from anywhere in the U.S. The court retains its authority to quash or modify any such subpoena if it is unduly burdensome to the witness subpoenaed.

Justice requires that the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where in the U.S. the witnesses or documents are located. By granting the parties to such cases nationwide subpoena authority, administered by the Federal court, this act ensures that they do. As the bipartisan cosponsorship of the act attests, ensuring procedural fairness in these cases bearing on the terrible attacks of September 11 is not a Democratic issue or Republican issue, it is an American issue. I strongly encourages my colleagues from both sides of the aisle to join me and the other cosponsors of this important bill.

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. 2106

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 ''Procedural Fairness for September 11 Victims Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

''(4) NATIONWIDE SUBPOENAS.—

''(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.''.

By Mrs. BOXER:

S. 2109. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today, I am proud to introduce the California Desert and Mountain Heritage Act. This bipartisan legislation will protect nearly 200,000 acres of pristine and ecologically sensitive lands in Riverside County as Wilderness or Potential Wilderness, the highest level of protection and conservation for Federal public lands in American law.

Over the past year, I worked with my colleague, Representative MARY BONO, who represents the areas protected in this bill. Together, we worked to reach consensus with local officials, environmentalists, businesses, sportsmen, and Indian tribes. The result is this bipartisan, bicameral bill.

Riverside County contains some of California's, indeed, America's, most spectacular desert and mountain vistas and landscapes. The breathtaking lands protected in this bill also provide habitat for threatened bighorn sheep and the desert tortoise, as well as many other species such as mule deer, mountain quail, and bald eagles.

Specifically, the bill protects 150,531 acres of lands as wilderness, highest level of protection and conservation for Federal public lands in American law. Another 41,100 acres of land would be designated as potential wilderness. Once the final inholding claims are settled by the National Park Service, these lands will become ''wilderness'' without the necessity of an additional act of Congress. In the meantime, these lands will be managed by the Park Service as ''wilderness.''

The bill also designates 31 miles of river as wild and scenic on four California Rivers: North Fork San Jacinto River, Fuller Mill Creek, Palm Canyon Creek, and Bautista Creek. These rivers are biologically important watersheds in this dry part of my State.

Many of these lands were included in my statewide wilderness bill, the California Wild Heritage Act, which I reintroduced in February.

The bill has broad, local support including from Riverside County supervisors, municipalities, chambers of commerce, environmentalists, sportsmen, and businesses. The bill includes important provisions clarifying that Federal agencies could use all the tools necessary to fight and prevent wildfires. The wilderness boundaries were drawn in consultation with local communities and tribes.

I look forward to working with local interests and all of my colleagues to see this important legislation enacted.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr President, I rise today to introduce legislation honoring a fallen hero, Army Staff Sergeant Larry S. Pierce.

This bill would rename a post office in Taft, California after Staff Sergeant Pierce.

Staff Sergeant Pierce moved to Taft, California as a young child and attended Taft city schools and Taft Union High School, which my own father graduated from in 1922.

Staff Sergeant Pierce would have graduated with the Taft Union High School class of 1959, but he chose to join the U.S. Army in 1958.

On September 20, 1965, Staff Sergeant Pierce was killed near Ben Cat in the Republic of Vietnam. He made the ultimate sacrifice to protect his comrades, smothering the blast of an anti-personnel mine with his body.

He was only 24 years old.

He left behind his wife, Verlin, and three children: Teresa, Kelley, and Gregory.

President Lyndon B. Johnson posthumously awarded Staff Sergeant Pierce the Medal of Honor on February 24, 1966. The citation on his Medal of Honor reads as follows:

For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. Sgt. Pierce was serving as squad leader in a reconnaissance platoon when his patrol was ambushed by hostile forces.

Through his inspiring leadership and personal courage, the squad succeeded in eliminating an enemy machinegun and routing the opposing force. While pursuing the fleeing enemy, the squad came upon a dirt road and, as the main body of his men entered the road, Sgt. Pierce discovered an antipersonnel mine emplaced in the road bed.

Realizing that the mine could destroy the majority of his squad, Sgt. Pierce saved the lives of his men at the sacrifice of his life by throwing himself directly onto the mine as it exploded. Through his indomitable courage, complete disregard for his safety, and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his squad.

Sgt. Pierce's extraordinary heroism, at the cost of his life, are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

Naming the Taft Post Office in Staff Sergeant Pierce's honor is a fitting commemoration and meaningful way for the community to remember the

dedication and sacrifices of the members of our Armed Forces.

I would like to thank the members of the Taft City Council, who passed a resolution on September 4, 2007 to request that Congress rename the Taft Post Office the Larry S. Pierce Post Office.

I sincerely hope that my colleagues will support this resolution to honor the service and sacrifice of Staff Sergeant Pierce.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. SANDERS):

S. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today I am introducing legislation to provide teachers an extra tool for the important work they do. This legislation will expand an approach that is successfully improving student behavior and the climate for learning in thousands of schools across the country: Positive Behavior Supports. I am pleased to be joined by Senators DURBIN and SANDERS in introducing the Positive Behavior for Effective Schools Act, and I urge other colleagues to join us.

Good school climate supports good teaching. Positive Behavior Supports are already being used in my home State of Illinois, where there is a network to provide assistance for schools that adopt this approach. In these schools, students are taught about positive behavior, teachers and administrators are supported in learning motivational techniques, and adults set the same high standards for student conduct as they do for student achievement. Students are helped to see the importance of behaving in a way so that they and their classmates can learn. The components necessary to do this on a school-wide basis include an agreement by the entire staff to define and support appropriate student behavior. Although this seems simple, it is often more effective than surveillance cameras, zero tolerance or other get-tough approaches to school discipline.

Positive Behavior Supports programs deal with discipline problems based on one simple premise: stop problem behavior before it starts. The specifics of the program are research-based, backed by both experiment and experience. With Positive Behavior Supports, learning time increases, and students do better. It makes sense that with fewer disruptions, with less time in the principal's office, or out of school, students can focus more, and so learn more.

Positive Behavior Supports are already established in many places. Universities and resource centers work with over 6,700 schools in 38 States. To help teachers teach our children, today I propose that we expand this innovative program. The Positive Behavior for Effective Schools Act amends ESEA to allow Title I funds to be used for Positive Behavior Supports, and creates an office in the Department of Education to assist in these efforts. The act provides flexibility for schools and districts to use Title I funds, so that schools and teachers can choose to receive assistance to improve school climate and thereby support teaching and opportunities for students to learn.

My good friend from Illinois, Congressman PHIL HARE, has introduced companion legislation in the House, and I urge my colleagues to join our effort in the Senate. Let us give our teachers an additional tool to support their teaching. Let us give our children the benefit of high expectations and supports for good behavior. Let us give our schools the opportunity to adopt this approach. Let us help our kids by supporting Positive Behavior Supports.

By Mr. CARDIN:

S. 2115. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the ''Welcome to Medicare'' physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce the Medicare Preventive Services Coverage Act of 2007. It has been ten years since Congress enacted the first comprehensive package of preventive services for Medicare beneficiaries. At the time Medicare was created in 1965, it was modeled closely after the indemnity health insurance policies of the time. As such, Medicare only covered the treatment of illnesses, and it paid for tests only when a symptom was present, but it did not cover preventive services. Over the next 3 decades, the medical community learned a great deal about the importance of preventive care. Although as early as the 1970s, health maintenance organizations had begun to cover cancer screenings and other wellness services, traditional Medicare had not kept pace.

The Balanced Budget Act of 1997 changed that. Working across the aisle, I introduced legislation that year to provide coverage for lifesaving screenings to Medicare beneficiaries. With strong bipartisan support, Congress added our language to BBA 1997, ensuring coverage for preventive services, including: an annual screening mammography for women over age 39; screening pap smear and pelvic examination for cervical cancer; prostate cancer screening; colorectal cancer screening; bone mass measurement for osteoporosis; and diabetes testing supplies and self-management training services.

Congress expanded this list of benefits in subsequent Medicare legislation. Now traditional Medicare also covers cardiovascular screenings to help prevent heart attacks and strokes; diabetes screenings; flu shots to help prevent influenza, glaucoma screening, medical nutrition therapy services, Hepatitis B vaccine, and ultrasound screening for aortic aneurysm.

Medicare also now covers a one-time ''Welcome to Medicare Visit'' within the first 6 months of Part B enrollment. This is an initial physical examination where beneficiaries can receive education and counseling about their medical history and needs, have some preventive screenings performed, and get referrals for other services.

Yes, over the past decade, Medicare has indeed made great strides toward helping our seniors get screened for diseases. But we have far to go.

The participation rate for Medicare preventive benefits is low. One key obstacle is financial. America's seniors still have the highest out-of-pocket costs of any age group. A 2007 Kaiser Family Foundation study compared out-of-pocket health care spending among age groups. For nonprescription drug expenses, it found that average spending for the over-65 population was nearly twice that for under-65 group. It also showed that on average, seniors in one-person households are spending 12.5 percent of their incomes on health care, versus 2.2 percent of those under 65. This means that excluding prescription drug costs, despite Medicare Part D, seniors will have very high medical bills that stretch their fixed incomes. It is no wonder that preventive services that require cost-sharing will be delayed or not received at all.

Over the years, we have also improved the benefits. We have waived the deductible for mammograms and colorectal cancer screenings. But cost sharing is still an obstacle for many seniors. They still must satisfy the deductible before getting reimbursed for the physical exam and most other services, and they must pay coinsurance for all other services except laboratory tests.

The bill that I am introducing today will waive the cost sharing for all preventive screenings and the Welcome to Medicare physical examination. It will also grant the Secretary of Health and Human Services the authority to add additional benefits as he or she determines to be ''reasonable and necessary for the prevention or early detection of an illness or disability.'' These determinations would take into account evidence-based recommendations by the U.S. Preventive Services Task Force and other organizations. Finally, my bill would extend eligibility for the Welcome to Medicare Visit from its current time frame of 6 months to 1 year.

This bill will mean the difference between early screening and delayed diagnosis and treatment. It will mean the difference between detecting a serious illness and providing hundreds of thousands of dollars of services later.

Let me explain why. Preventive services such as mammography and colonoscopy are important tools in the fight against serious disease. The earlier they are detected, the greater the chances of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, that rate declines to 26 percent. Similarly, if colorectal cancer is detected in its early states, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Our seniors are at particular risk for cancer. The greatest single risk factor for colorectal cancer is being over the age of 50, when more than 90 percent of cases are diagnosed. In addition to increasing survival rates, identifying diseases early reduces Medicare costs. In the case of colorectal cancer, Medicare will pay $207 for a screening colonoscopy in a medical facility, but if the patient is not diagnosed until the disease has metastasized, the cost of care can exceed $60,000 over the patient's lifetime. Medicare pays $98 for a mammogram, but if breast cancer is not detected early, treatment can cost tens of thousands of dollars more, depending on when the cancer is found and the course of treatment used. One drug used to treat late stage breast cancer can cost as much as $40,000 a year. There can be no doubt that these services are both life saving and cost saving. But if seniors cannot afford the copayments for these services, they may delay getting them.

In addition to cancer, diabetes is another prevalent disease among seniors. The statistics associated with diabetes are staggering. Nearly 20 million Americans are estimated to have diabetes. Approximately half know they have diabetes and another half have diabetes but do not know it. But once diagnosed, the co-morbidities associated with diabetes can be avoided. It is estimated that 90 percent of diabetes-related blindness is preventable, 50 percent of kidney disease requiring dialysis is preventable, 50 percent of diabetic-related amputations are preventable and 50 percent of diabetic-related hospitalizations are preventable.

Diabetes and its complications are not only disabling, but costly to Medicare as well. The cost of medical care of people with diabetes is about $150 billion a year, according to data from the Department of Health and Human Services. In its direct costs, diabetes was the most costly of the 39 diseases reported. Despite the fact that 9 percent of the Medicare population is diagnosed with diabetes, about 27 percent of the Medicare budget is used to treat their diabetes.

Most of the cost for medical care of people with diabetes is for the treatment of the complications, which are largely preventable with modern treatment including blood sugar control. Clearly, prevention of the complications of diabetes would reduce the costs of diabetes in lives and in dollars.

Numerous studies have found that once diabetes management training is provided, populations see a nearly 50 percent reduction in emergency room visits. In addition, the number of outpatient visits, doctor office visits, and other medical expenses all decline. Diabetes can lead to amputations, blindness, heart disease, and stroke, all of which can be prevented with training and management.

This bill also gives the Secretary of Health and Human Services the authority to add new preventive services based on the recommendations of the U.S. Preventive Services Task Force. As we have seen, it can take a very long time for Congress to change health policy in this country. In order to add new preventive services to Medicare, it now requires legislative action. Under current law, as our researchers discover new, more efficient, and more accurate screening methods to detect disease, Congress would have to pass new legislation authorizing coverage for each one. This provision would enable Medicare to provide coverage for new types of screenings based on up-to-date scientific evidence.

The Preventive Services Task Force has a long and distinguished record. It dates back to 1984, when the U.S. Public Health Service convened a panel of primary and preventive health care specialists to develop guidelines for preventive services. From this panel, the U.S. Preventive Services Task Force's Guide to Clinical Preventive Services was born. While many other respected professional and research organizations have issued their own recommendations, the Task Force's publication is regarded as the ''gold standard'' reference on preventive services. In December of 1995, a new Task Force released an updated and expanded second edition of the Guide which includes findings on 200 preventive interventions for more than 70 diseases and conditions. The Task Force employed a rigorous methodology to review the evidence for and against hundreds of preventive services, assessing more than 6,000 studies. The Task Force recommended specific screening tests, immunizations, or counseling interventions only when strong evidence demonstrated the effectiveness of preventive services. My bill will give the Secretary the authority to use this gold standard to expand Medicare's basic benefit package to include the tests that studies have shown to be effective.

The newest benefit is the Welcome to Medicare Visit, an initial physical examination for new beneficiaries. We know that large numbers of people in the 55 to 64 age group lack health insurance, so it is particularly important for them to get a baseline examination and screenings for diseases that affect elderly people But as of July 2006, only 2 percent of all new beneficiaries, or about 8,000 people, have received this physical exam. Uptake has been slow for a number of reasons. You must get the exam within 6 months of enrolling in Medicare Part B. But many seniors don't learn about the benefit until they have been enrolled for a while, and even then it can take several months to schedule a physical examination with a doctor. So the vast majority of our seniors are missing out on this important benefit. My bill extends eligibility from 6 months after enrolling in Part B to 1 year.

Finally, I want to address the matter of cost, and that is the appropriate thing to do under our budget scoring principles. The elimination of cost sharing for preventive services has been scored by the Congressional Budget Office at $1.1 billion over 5 years. Based on CBO estimates from the 2003 Medicare law, extending the eligibility period for the Welcome to Medicare Visit from six months to one year will cost approximately $1.2 billion over years. But I believe that the members of this body also understand that, although dynamic scoring is not used by CBO, preventive health care will save money. If we detect diseases earlier, the overall cost to our society will be less. Our seniors will save out of pocket costs and all taxpayers will save money.

This bill is supported by the American Cancer Society's Cancer Action Network, the American Federation of State, County and Municipal Employees, the Center for Medicare Advocacy, the Colorectal Cancer Coalition, C3, and the Society of Vascular Surgeons. I urge my colleagues to join me in this effort to get improve seniors' access to lifesaving preventive services.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND PALESTINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 334

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the ''Beneficiary Parties''), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, ''The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors'';

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, ''This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks'';

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, ''This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples'';

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea-Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in Washington in November 2007 to seek an enduring solution to the Arab-Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the ''Beneficiary Parties''), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in Washington between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

Mr. LUGAR. Mr. President, I rise to introduce a resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan and Palestine.

The Jordan River and the Dead Sea are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world. However, both the Jordan River and Dead Sea face serious problems. The governments of Israel and Jordan, as well as the Palestinian Authority, have worked together in an unusual and welcome spirit of cooperation to address many of the water challenges confronting the region. The Senate applauds this cooperation and urges Israel, Jordan and the Palestinian Authority to continue to work in a spirit of cooperation as they address the degradation of the Jordan River and Dead Sea.

Furthermore, the Senate hopes this cooperation might serve as a model for Israel and the Palestinian Authority as they prepare to meet in Washington this fall to seek a durable solution to the Arab-Israeli crisis.

SENATE RESOLUTION 335—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW THAT DISEASE AFFECTS AFRICAN AMERICAN MEN

Mr. KERRY (for himself, Mr. CARDIN, Mr. SCHUMER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 335

Whereas the incidence of prostate cancer in African American men is 60 percent higher than any other racial or ethnic group in the United States;

Whereas African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed earlier in age and at a later stage of cancer progression than for all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas, according to a paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African American men; and

(2) urges Federal agencies to designate additional funds for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots levels to end that health crisis.

Mr. KERRY. Mr. President, today, I am reintroducing a Senate resolution to raise awareness of the prostate cancer crisis that exists among African-American men. This resolution challenges Congress to provide the funds necessary to increase research funding, prevent and fight the disease, and to encourage African-American men to get screened.

For me, this is personal. I am a prostate cancer survivor, and my experience opened my eyes to the horrific disparities in prevention, treatment, and long-term prognosis for prostate cancer in the African-American community. I learned a lot from my friend Tom Farrington. Tom and I are both lucky. We were diagnosed with prostate cancer—and we got cured. Our fathers weren't so lucky. Prostate cancer took them away from us. But once I got well, and once T om got well, we started learning more and more, and a statistic that stays with me and with Tom, who is African American, speaks volumes. African-American men are 80 percent more likely to die of prostate cancer than White men. Prostate cancer is the second leading cause of cancer related death for African-American men, who have the highest incidence and mortality rate due to prostate cancer of any ethnic or racial group. African-American men are dying at a rate of 140 percent—almost 2½ times—higher than other groups. That is the largest disparity for any major cancer. I started digging more and discovered the unacceptable apartheid of health care in America— and I believe that just as the doctrine of ''separate but

equal'' was wrong in education, i t is wrong in health care. The quality of health care should never depend on the color of any American's skin.

Epidemic levels of prostate cancer amongst African Americans have not changed. We all need to work together to support those suffering from prostate cancer and to encourage regular screening and early detection. It is a tragedy that so many Af rican-American men are dying today from treatable illnesses they don't discover until it is too late—and righting this wrong is a matter of social justice as well as public policy.

I urge every Member of Congress to support this resolution.

SENATE RESOLUTION 336—RECOGNIZING AND HONORING THE 20 YEARS OF SERVICE AND CONTRIBUTIONS OF DR. JAMES HADLEY BILLINGTON AS LIBRARIAN OF CONGRESS

Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. LEAHY, Mr. LUGAR, Mr. WEBB, Mr. REID, Mr. CONRAD, Mr. DODD, Mr. ALLARD, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. DORGAN, Mr. STEVENS, Mr. LOTT, Mr. KENNEDY, Mr. ROBERTS, Mr. BENNETT, Mr. COCHRAN, Mr. COLEMAN, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 336

Whereas Dr. James H. Billington was nominated to be the 13th Librarian of Congress by President Ronald Reagan in 1987, and was confirmed by the Senate and sworn in as Librarian of Congress on September 14, 1987;

Whereas the world renowned collections of the Library of Congress, the largest and most comprehensive in history, have grown by almost 50,000,000 items since Dr. Billington became Librarian, totaling more than 135,000,000 today;

Whereas, during Dr. Billington's tenure, the Library of Congress modernized its collection through the creation of the National Digital Library Program, the American Memory program, THOMAS, and the World Digital Library;

Whereas the Librarian created the first ever private sector philanthropic and advisory group, The Madison Council, to spearhead countless programs for the Library and assist in its funding efforts;

Whereas the Library of Congress has successfully acquired the 1507 Martin Waldseemuller map, the Martin Carson collection of early Americana, the Jay Kislak early Americas collection, and has also continued the preservation of Library collections and promoted cultural and educational outreach programs through the added assistance of private contributions and in-kind gifts collected during Dr. Billington's tenure;

Whereas, during James Billington's Librarianship, the Library of Congress has displayed its treasures and those of other Nations in more than 300 spectacular and enriching exhibitions at the Library and on its Internet website;

Whereas, during Dr. Billington's tenure, the Library of Congress has been a leader in the library world in establishing systems to protect vast collections such as the National Recording Registry and the National Digital Information Infrastructure and Preservation Program, developing cutting edge preservation developments to maintain and protect multiple format collections for future generations, and also ensuring the security of staff, researchers, and visitors;

Whereas the Kluge Center at the Library of Congress was established during the Librarian's tenure to foster mutually enriching interaction between the scholarly world and policy makers and supports the $1,000,000 Kluge Prize honoring lifetime achievements in the humanities;

Whereas the Library of Congress Thomas Jefferson and John Adams buildings were restored by Congress over a multi-year period and reopened to the public in 1997, restoring in particular the century-old Jefferson Building to its former glory as one of the most beautiful buildings in America;

Whereas Dr. Billington has overseen the consolidation of the Library's recorded sound and moving images in a large-scale digital storage archive at the Packard Campus for Audio-Visual Conservation, which was constructed through a unique private-public partnership with the Packard Humanities Institute;

Whereas the Library of Congress and First Lady Laura Bush instituted and have cosponsored the very popular National Book Festival annually since 2001, celebrating the joy of reading and the creativity of America's writers and illustrators;

Whereas the programs of the Library of Congress, including the National Digital Library which processed over 5,000,000,000 transactions in 2006 alone, have made freely available to the American people millions of historical items in the Library's incomparable collection through online databases, including 11,000,000 rare primary source materials from its collection, to invigorate and promote lifelong learning in every locality in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 3077. Mr. KENNEDY (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3078. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3080. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mrs. CLINTON, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3081. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, Mr. FEINGOLD, Mr. WEBB, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3082. Mr. SANDERS (for himself, Mr. BYRD, Mr. BOND, Mr. FEINGOLD, Mr. WEBB, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3083. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3084. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3085. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3086. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3087. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3088. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3089. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3090. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3091. Ms. MIKULSKI (for herself, Mr. WARNER, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3092. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3093. Mr. CHAMBLISS (for himself, Mr. HATCH, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3094. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3095. Ms. LANDRIEU submitted an amendment intended to be proposed to

amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3096. Mr. VOINOVICH (for himself, Mr. ALEXANDER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3097. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3098. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3099. Mr. REED (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3100. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3101. Mr. HATCH (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3102. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3103. Mr. McCONNELL (for Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3104. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. CORNYN, Mr. SESSIONS, Mr. CONRAD, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HATCH)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3105. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3106. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3107. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3108. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2188 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3109. Mr. REID (for Mr. KENNEDY (for himself, Mrs. McCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed to amendment SA 3058 proposed by Mr. KENNEDY (for himself, Mrs. McCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3110. Mr. REID (for Mr. KENNEDY (for himself, Mrs. McCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3111. Mr. BROWN (for Mr. HARKIN) proposed an amendment to the bill H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

TEXT OF AMENDMENTS

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1234. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

SA 3077. Mr. KENNEDY (for himself and Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called ''concurrent design-build'' strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on ''bid realism'' in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is repealed.

SA 3078. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces''includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

SA 3079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. ASSESSMENT OF TERMINATION OF RICHARD M. BARLOW FROM DEPARTMENT OF DEFENSE EMPLOYMENT.

(a) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint an independent expert with appropriate clearances not currently affiliated with the Department of Defense to assess whether Richard Barlow was wrongfully terminated for his actions while employed by the Department of Defense.

(b) REVIEW OF MATERIALS.—The independent expert is deemed to have a need to know of all materials, classified and unclassified, necessary to make an informed judgment of Richard Barlow's termination. The Secretary of Defense shall supply materials requested by the independent expert on an expedited basis.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than one year after appointment of the independent expert, the independent expert shall submit to the Secretary of Defense a report on the assessment conducted under subsection (a).

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a recommendation as to whether Richard Barlow was wrongfully terminated; and

(B) if the recommendation is that Richard Barlow was wrongfully terminated, a recommendation as to the amount of compensation he is entitled to for such wrongful termination.

(3) FORM.—The report submitted under subsection (a) shall be submitted in classified and unclassified forms.

(d) AUTHORIZATION.—The Secretary of Defense is authorized to pay out of available funds such amount as is recommended by the independent expert in (c)(2)(B).

(e) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(f) NO AGENTS AND ATTORNEYS FEES.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

(g) NON-TAXABILITY OF PAYMENT.—The payment authorized by this section is in partial reimbursement for losses incurred by Richard Barlow as a result of the personnel actions taken by the Department of Defense and is not subject to Federal, State, or local income taxes.

SA 3080. Mr. WEBB (for himself, Mrs. MCCASKILL, MS. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mrs. CLINTON, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall

notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SA 3081. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, Mr. FEINGOLD, Mr. WEBB, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) FINDINGS.—Congress makes the following findings:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ''Inspector General''), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such

appointed position for the purpose of carrying out this section.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontactors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered

into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ''amounts appropriated or otherwise made available for the reconstruction of Afghanistan'' means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 3082. Mr. SANDERS (for himself, Mr. BYRD, Mr. BOND, Mr. FEINGOLD, Mr. WEBB, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army is hereby increased by $15,000,000, with the amount of the increase to be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(2) OFFSET.—The amount authorized to be appropriated by section 101(2) for missile procurement for the Army is hereby decreased by $15,000,000, with the amount of the decrease to be allocated to amounts available for Patriot System Summary (Line 2) for Patriot PAC–3 missiles.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3083. Mr. BAYH (submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1031. DEADLINE FOR ELECTRONIC ABSENTEE VOTING GUIDELINES.

Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall—

(1) establish electronic absentee voting guidelines in connection with the electronic voting demonstration project under section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff); and

(2) certify to the Secretary of Defense that the Commission will assist in carrying out such demonstration project.

SA 3084. Mr. BAYH submitted an amendment intended to be proposed to

amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1031. MODIFICATIONS TO ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) LIMITATION ON AUTHORITY TO DELAY IMPLEMENTATION.—The first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is amended by inserting '', but in no case later than the regularly scheduled general election for Federal office in November 2008'' before the period at the end.

(b) INCLUSION OF OVERSEAS VOTERS.—Section 1604 of such Act is amended—

(1) in subsections (a)(1) and (c), by inserting ''and overseas voters'' after ''absent uniformed services voters'' each place it appears; and

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

''(2) OVERSEAS VOTER.—The term 'overseas voter' has the meaning given such term in section 107(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(5)).''.

(c) DEMONSTRATION PROJECT TO COVER FEDERAL, STATE, AND LOCAL ELECTIONS.—Section 1604(b) of such Act is amended by adding at the end the following new sentence: ''Such agreements shall provide that absent uniformed service voters and overseas voters may, in addition to casting ballots in elections for Federal office, also cast ballots in elections for State and local office through an electronic voting system which is chosen by the State and which meets the requirements of subsection (c) and the electronic absentee voting guidelines established by the Election Commission Assistance.''.

(d) SOFTWARE REQUIREMENTS.—Section 1604 of such Act, as amended by subsection (b), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) SOFTWARE REQUIREMENTS.—Software used in the demonstration project under subsection (a)(1) shall—

''(1) utilize open-source code;

''(2) permit the voter to verify the votes selected by the voter before the ballot is cast and counted;

''(3) provide the voter an opportunity to change the ballot before the ballot is cast and counted; and

''(4) produce a record with an audit capacity.''.

(e) REPORTING DEADLINE.—Subsection (d) of section 1604 of such Act, as redesignated by subsection (d), is amended by striking ''Not later than June 1 of the year following the year in which the demonstration project is conducted'' and inserting ''Not later than 120 days after the election for which the demonstration project is conducted''.

(f) REPORT TO ELECTION ASSISTANCE COMMISSION.—Section 1604 of such Act, as amended by subsection (d), is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) REPORT TO ELECTION ASSISTANCE COMMISSION.—If the demonstration project under subsection (a)(1) is carried out before the Election Assistance Commission has established the electronic voting absentee guidelines described in subsection (a)(2), the Secretary of Defense shall report to the Election Assistance Commission on the results of the demonstration project for the purpose of establishing such guidelines.''.

(g) ESTABLISHMENT OF LONG-TERM PLAN.—Section 1604 of such Act, as amended by subsections (d) and (f), is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) LONG-TERM PLAN.—

''(1) IN GENERAL.—The Secretary of Defense shall, based on the results of the demonstration project under subsection (a)(1) and after consultation with stakeholders described in paragraph (2), develop a long-term plan for implementing a program under which absent uniformed service voters and overseas voters may vote in Federal, State, and local elections through electronic voting systems.

''(2) STAKEHOLDERS.—The stakeholders described in this paragraph are—

''(A) absent uniformed service voters;

''(B) State and local election officials;

''(C) the Election Assistance Commission;

''(D) the National Institute of Standards and Technology;

''(E) enterprises involved with successful online public voting programs; and

''(F) such other parties as the Secretary of Defense determines would be necessary or helpful to developing the plan described in paragraph (1).''.

SA 3085. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. HUBZONES.

(a) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(1) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(2) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(3) by striking the period at the end and inserting the following: ''; and

''(ii) during the 5-year period beginning on the date that a military installation is closed under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i), which shall not include any area that is more than 15 miles from the exterior boundary of that military installation, that are substantially and directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.''.

(b) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this subsection shall include any legislative recommendations relating to the findings of the feasibility study conducted under this subsection.

SA 3086. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. 10____. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report describing actions taken by the Department of Defense to ensure the provision of quality service and procurement in a fiscally sound manner to schools participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) that receive fresh fruits and vegetables purchased by the Department of Defense under an agreement with the Department of Agriculture.

SA 3087. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components if the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of

the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

SA 3088. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

SA 3089. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''Transitional health care'' and inserting ''Except as provided in paragraph (6), transitional health care''; and

(2) by adding at the end the following new paragraph:

''(6)(A) Before the end of the period of availability of transitional health care for a member under paragraph (3), the Secretary concerned shall ensure that the unit commander of the member requires a physical examination of the member in order to determine whether or not the member has a medical condition relating to service on active duty covered by paragraph (2) that warrants further medical care.

''(B) A member determined under subparagraph (A) to have a medical condition described in that subparagraph shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

''(C) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (B) to the medical and dental care referred to in that subparagraph.''.

SA 3090. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''before the year of service that includes October 30, 2007; and''; and

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

''(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.''.

SA 3091. Ms. MIKULSKI (for herself, Mr. WARNER, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL AND SEASONAL BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the ''Save our Small and Seasonal Businesses Act of 2007''.

(b) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting the following: ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

SA 3092. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 342. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The Global Logistics Support Center (GLSC) concept represents an attempt to apply an enterprise approach to supply chain management.

(5) The purpose of Global Logistics Support Center is to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(6) The Air Force is to be commended for attempting to identify potential means to create further efficiencies in the Air Force logistics network.

(7) While centralizing the execution and chain of command for supply within the Air Force logistics network may add value, the impact on integrated sustainment support may prove detrimental and more complex and could negatively affect delivery of deployment-capable aircraft to the warfighter.

(b) REPORTS REQUIRED.—

(1) PERIODIC REPORTS REQUIRED.—In order to provide Congress with appropriate insight into the impact on integrated sustainment capabilities during the development of the Global Logistics Support Center concept, the Secretary of the Air Force shall submit to the congressional defense committees on a periodic basis (not less than every 120 days) reports on the plans of the Air Force regarding the Global Logistics Support Center.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report with respect to the development of the Global Logistics Support Center, the following:

(A) Milestones, including criteria for achieving such milestones.

(B) Planned or potential realignments of personnel through either a change of reporting official or change in geographical location.

(C) Proposed changes and potential impact to the integrated aircraft sustainment process.

(D) Proposed changes to program management, product support responsibilities, or both for fielded weapon systems.

(E) Proposed changes to the depot maintenance responsibilities as such responsibilities relate to the sustainment of weapon systems.

SA 3093. Mr. CHAMBLISS (for himself, Mr. HATCH, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029 and insert the following:

SEC. 1029. JOINT CARGO AIRCRAFT.

(a) IN GENERAL.—

(1) APPLICABILITY OF CERTAIN DOCUMENT ON AIR MOBILITY OPERATIONS.—All documents, plans, budgets, and strategies pertaining to the Joint Cargo Aircraft (JCA) program referred to in paragraph (2) shall be consistent with and informed by Department of Defense Joint Publication 3–17, entitled ''Joint Doctrine, Tactics, Techniques, and Procedures for Air Mobility Operations'', with specific reference to Chapter IV of that publication, entitled ''Airlift'', and the relevant sections of that chapter regarding Airlift Missions, Operational Support Airlift, and Service Organic Operations.

(2) DOCUMENTS, PLANS, BUDGETS, AND STRATEGIES.—The documents, plans, budgets, and strategies referred to in this paragraph are all documents, plans, budgets, and strategies relating to the Joint Cargo Aircraft program, including, but not limited to, the following:

(A) The Memorandum of Agreement between the Department of the Army and the Department of the Air Force on the Joint Cargo Aircraft Program.

(B) The Joint Cargo Aircraft Acquisition Decision Memorandum.

(C) The Acquisition Program Baseline for the Joint Cargo Aircraft Program.

(D) The Joint Cargo Aircraft Concept of Operations.

(E) The Fleet mix analysis for the Joint Cargo Aircraft.

(F) The Acquisition Strategy for the Future Cargo Aircraft.

(b) SENSE OF SENATE ON JOINT CARGO AIRCRAFT.—It is the Sense of the Senate that the Army and the Air Force should pursue an integrated maintenance and sustainment strategy for the Joint Cargo Aircraft that takes maximum advantage of capabilities organic to the United States Government.

SA 3094. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 522. PROHIBITION ON AVAILABILITY OF FUNDS FOR PAYMENT OF ENLISTMENT BONUSES TO CERTAIN FELONS FOR ENLISTMENT IN THE ARMED FORCES.

No amounts authorized to be appropriated by this Act may be obligated or expended for the payment to an individual of a bonus for enlistment in the Armed Forces if the individual has been convicted under Federal or State law of any felony offense as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

SA 3095. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end title VI, insert the following:

Subtitle D—Iraq Refugee Crisis

SEC. 1541. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State shall establish processing mechanisms in Iraq and in countries in the region in which

(1) aliens described in section 1542 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1543(b) may apply and interview for admission to the United States as special immigrants.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, :in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a); and

(B) contain an assessment of in-country processing that makes use of video-conferencing.

SEC. 1542. UNITED STATES REFUGEE PROGRAM PRIORITIES.

(a) IN GENERAL.—Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system shall include—

(1) an unmarried person under the age of 18 years old who:

(A) is a national of Iraq; and

(B) has been orphaned due to the death or disappearance of their biological or adoptive parent, parents, or legal guardians as a result of or incidental to U.S. or Coalition military action in Iraq subsequent to March 1, 2003, or resulting from or incidental to sectarian or religious violence since March 1, 2003; and

(C) has been determined to be without a living relative between and including the ages of 30 and 70 years and are willing and able to provide for their care either in Iraq or in another country apart from the United States based upon a review by the Iraqi government and

a. the United States Department of State, or

b. the United States Department of Homeland Security; or

c. the United Nations High Commissioner for Refugees; or

d. other non-governmental organizations or entities experienced in assisting refugees and locating their nearest living relatives.

(b) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

SEC. 1543. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101 (a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa; and

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)).

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is an unmarried person under the age of 18 years old; and

(B) is a national of Iraq; and

(C) has been orphaned due to the death or disappearance of their biological or adoptive parent, parents, or legal guardians as a result of or incidental to U.S. or Coalition military action in Iraq subsequent to March 1, 2003, or resulting from or incidental to sectarian or religious violence since March 1, 2003; and

(D) has been determined to be without a living relative between and including the ages of 30 and 70 years and are willing and able to provide for their care either in Iraq or in another country apart from the United States based upon a review by the Iraqi government and

i. the United States Department of State, or

ii. the United States Department of Homeland Security; or

iii. the United Nations High Commissioner for Refugees; or

iv. other non-governmental organizations or entities experienced in assisting refugees and locating their nearest living relatives.

(c) NUMERICAL LIMITATIONS AND BENEFITS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed an annual limit that the United States Department of Homeland Security determines in consultation with the United Nations High Commissioner for Refugees and the United States Department of State for each of the 5 fiscal years beginning after the date of the enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) BENEFITS.—Aliens provided special immigrant status under this section shall be eligible for the same resettlement assistance, entitlement programs, and other benefits as unaccompanied minor refugees admitted under section 207 of the Immigration and Naturalization Act (8 U.S.C. 1157).

(4) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq of such alien if the Secretary determines that such alien is in imminent danger.

(f) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(g) DEFINITIONS.—Notwithstanding any contrary definitions set forth in this section, the terms defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) have the same meanings when used in this section.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the provisions of this section, including requirements for background checks;

(i) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1544. AUTHORIZATION OF APPROPRIATIONS.

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

SA 3096. Mr. VOINOVICH (for himself, Mr. ALEXANDER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows;

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION OF UNITED STATES FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Only a political solution amongst the Iraqi themselves can end the violence and bring about lasting stability in Iraq.

(2) The Iraqi political leaders have not met their own benchmarks.

(3) The Iraq Study Group under the leadership of James Baker and Lee Hamilton reported in December 2006 that ''the United States should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq'' and ''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''.

(4) The Iraq Study Group also reported that ''[b]y the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all [U.S.] combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue''.

(5) The Iraq Study Group also stated that the redeployment of troops from Iraq should be ''subject to unexpected developments in the security situation on the ground''.

(6) The Independent Commission on the Security Forces of Iraq under the leadership of retired Marine General Jim Jones recently reported that a number of Iraqi Army battalions that are capable of taking the lead in combating violence and sectarian conflict are not in the lead and recommended further that the size of ''our national footprint in Iraq be reconsidered with regard to its efficiency, necessity, and its cost'' and that ''[s]ignificant reductions, consolidations, and realignments would appear to be possible and prudent''.

(7) The President stated in his speech to the nation on September 13, 2007, that ''[o]ver time our troops will shift from leading operations, to partnering with Iraqi forces—and eventually to overwatching those forces. As this transition in our mission takes place, our troops will focus on a more limited set of tasks, including counterterrorism operations and training, equipping and supporting Iraqi forces''.

(8) General David Petraeus has stated that progress is being achieved at different rates in different provinces of Iraq and that further progress is likely to continue to vary from province to province.

(9) The precipitous withdrawal of all United States forces from Iraq is not desirable and could have dangerous consequences for the national security of the United States and our allies.

(10) The United States must remain engaged in Iraq and the Middle East region for the foreseeable future to protect our national security interests.

(11) There are limits on the forces the United States has available for deployment, and those limits necessitate a reduction in United States forces in Iraq and a transition of those forces to a focused set of missions.

(12) The Iraq Study Group recommended that ''[t]he United States should not make an open-ended commitment to keep large numbers of American troops in Iraq''.

(13) General Petraeus has stated that a reduction in the number of United States forces in Iraq to approximately the pre-surge level will be imminent as a result of security gains in Iraq and the limits on United States forces available for deployment.

(b) IN GENERAL.—The Secretary of Defense shall commence a reduction in the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(c) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—

(1) IN GENERAL.—The reduction in the number of United States forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that will include increased engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(2) LARGER INTERNATIONAL ROLE IN POLITICAL STRATEGY.—In carrying out the strategy described in paragraph (1), the President shall instruct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of a senior representative of the Secretary General of the United Nations to Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process and to promote the engagement of Iraq's neighbors.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out the strategy described in paragraph (1), the President should—

(A) work with the United Nations to continue the efforts initiated at Sharm El Sheikh in May 2007 and implement fully the terms of the International Compact with respect to Iraq; and

(B) support the decision of the United Nations Security Council on August 10, 2007, to strengthen the mandate of the United Nations Assistance Mission in Iraq in areas such as national reconciliation, regional dialogue, humanitarian assistance, and human rights.

(d) LIMITED PRESENCE OF UNITED STATES FORCES AFTER REDUCTION AND TRANSITION.—After the completion of the reduction of United States forces that commences pursuant to subsection (b), the Secretary of Defense may deploy or maintain United States forces in Iraq only for the following missions:

(1) Protecting United States and coalition personnel and infrastructure, including by targeted border security operations.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces, including Iraqi security forces operating against extremist militia groups, such as Jaish al Mahdi, that conduct attacks against

United States forces and Iraqi security forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations, including providing support to Sunni operations that oppose such groups and organizations.

(4) Providing personnel and support to Provisional Reconstruction Teams, until civilian personnel can be recruited to fill positions on such teams.

(5) Sharing information and intelligence as necessary with Iraqi Security Forces to achieve the missions described in paragraphs (1) through (4).

(e) COMPLETION OF TRANSITION.—The goal for the completion of the transition of United States forces in Iraq to a limited presence and missions as described in subsection (d) shall be a date not later than 15 months after the date of the enactment of this Act.

(f) REPORT ON REDUCTION AND TRANSITION.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The plan for carrying out the reduction and transition of United States forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (d), including the associated force reductions, adjustments, and expectations with respect to timelines.

(2) A comprehensive description of efforts to prepare for the reduction and transition of United States forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

SA 3097. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 472, in the table following line 11, insert after the item relating to North Kingstown, Rhode Island, the following:

Tennessee	Tullahoma	$264,000

On page 476, line 3, strike ''$458,515,000'' and insert ''$458,779,000''.

SA 3098. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 474, in the table following line 11, in the item relating to McGhee-Tyson Airport, Tennessee, strike ''$3,200,000'' in the amount column and insert ''$4,320,000''.

On page 476, line 9, strike ''$216,417,000'' and insert ''$217,537,000''.

SA 3099. Mr. REED (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—$470,000,000 may be made available for advanced procurement for an additional Virginia class submarine, of which—

(1) $400,000,000 may be available for the procurement of a spare set of reactor components; and

(2) $70,000,000 may be available for advanced procurement of non-nuclear long lead time material in order to support a reduced construction span for the boats in the next multiyear procurement program.

SA 3100. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. SENSE OF SENATE ON SERVICE ACADEMY SPONSOR PROGRAMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Sponsor programs for the service academies assist individuals in their transition from civilian life to status as a cadet or midshipman and to status as a commissioned officer in the Armed Forces by helping them realize that military life involves families, homes, and community.

(2) Sponsors under such programs have the opportunity to contribute to the development of cadets and midshipmen at the service academies by exposing cadets and midshipmen to military traditions, customs, and courtesies in a social environment, while such sponsors and their families develop lasting relationships and learn more about life in the service academies.

(3) Sponsors under such programs have a significant impact on the overall education of cadets and midshipmen, and their responsibilities as role models and representatives of the service academies must be carefully considered.

(4) While the sponsor programs at each service academy may vary, to ensure the success of these programs, Congress has the responsibility to verify that the selection and oversight of sponsors under such programs is appropriately conducted, that the rights of cadets and midshipmen are protected, and that the program activities serve the best interests of cadets and midshipmen.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) not later than 180 days after the date of the enactment of this Act, each Superintendent of a service academy should conduct a review of the sponsor program at such service academy, together with a copy of the policy of the academy with respect to such program;

(2) each review under paragraph (1) should assess—

(A) the purpose of the policy regarding the sponsor program at the academy;

(B) the implementation of the policy;

(C) the method used to screen potential sponsors under such program;

(D) the responsibilities of sponsors under such program;

(E) the guidance provided to midshipmen and cadets regarding the sponsor program; and

(F) any recommendations for change in the sponsor program; and

(3) each Superintendent should provide to the Committee on Armed Services of the Senate, and to the public, a summary of such review and any modifications of the sponsor policy concerned as a result of such review.

SA 3101. Mr. HATCH (for himself and Mr. COBURN) submitted an amendment intended to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON COLUMBIA UNIVERSITY'S HONORING OF IRANIAN PRESIDENT MAHMOUD AHMADINEJAD.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 24, 2007, at the request of the Iranian government, Columbia University provided a forum for Iranian President Mahmoud Ahmadinejad to speak.

(2) President Ahmadinejad has referred to the Holocaust as a ''myth''.

(3) President Ahmadinejad has called for the State of Israel to be ''wiped off the map''.

(4) President Ahmadinejad has attempted to justify chants of ''Death to America''.

(5) In a recent interview in which he defended his insulting request to visit the site of the terrorist attacks of September 11, 2001, President Ahmadinejad stated that he wanted to discuss the ''root causes'' of the murder of nearly 3,000 working men and women.

(6) General David Petraeus has stated that arms supplies from Iran, including 240mm rockets and explosively formed projectiles, ''contributed to a sophistication of attacks that would by no means be possible without Iranian support . . . The evidence is very, very clear.''.

(7) In 1979, American diplomats and citizens were taken hostage at the United States Embassy in Tehran, with 52 being held captive for 444 days in violation of international law, and several of those captives have identified President Ahmadinejad as 1 of the hostage takers.

(8) In 1969, the Columbia University administration expelled all ROTC programs from campus.

(9) Even today, Columbia University students wishing to serve their country by participating in an ROTC program must travel to other local colleges to do so.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it was beneath the dignity of a great American university to provide a public forum, and propaganda opportunity, to a documented anti-Semite and avowed enemy of the United States; and

(2) such a forum was particularly inappropriate given Columbia's denial of opportunities to its own students to serve their country through participation in the military's ROTC program.

SA 3102. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 81____. (a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

SA 3103. Mr. McCONNELL (for Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all participating aircraft in the mission areas of testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than five commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than five air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,500 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

SA 3104. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. CORNYN, Mr. SESSIONS, Mr. CONRAD, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HATCH)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

(a) FINDINGS.—Congress makes the following findings:

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SA 3105. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(b) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(c) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(d) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this section.

(2) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3106. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. ASSESSMENT OF TERMINATION OF RICHARD M. BARLOW FROM DEPARTMENT OF DEFENSE EMPLOYMENT.

(a) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint an independent expert with appropriate clearances not currently affiliated with the Department of Defense to assess whether Richard Barlow was wrongfully terminated for his actions while employed by the Department of Defense.

(b) REVIEW OF MATERIALS.—The independent expert is deemed to have a need to know of all materials, classified and unclassified, necessary to make an informed judgment of Richard Barlow's termination. The Secretary of Defense shall supply materials requested by the independent expert on an expedited basis.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than one year after appointment of the independent expert, the independent expert shall submit to the Secretary of Defense a report on the assessment conducted under subsection (a).

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a recommendation as to whether Richard Barlow was wrongfully terminated; and

(B) if the recommendation is that Richard Barlow was wrongfully terminated, a recommendation as to the amount of compensation he is entitled to for such wrongful termination.

(3) FORM.—The report submitted under subsection (a) shall be submitted in classified and unclassified forms.

(d) AUTHORIZATION.—The Secretary of Defense is authorized to pay out of available funds such amount as is recommended by the independent expert in (c)(2)(B).

(e) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(f) NO AGENTS AND ATTORNEYS FEES.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

SA 3107. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 3 and 4, insert the following:

SEC. 2854. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–428)) is amended—

(1) by striking ''naval aviation and'' and inserting ''naval aviation,''; and

(2) by inserting before the period at the end the following: '', and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation''.

SA 3108. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2188 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 10 through 18.

SA 3109. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed to amendment SA 3058 proposed by Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike all after the first word and insert the following:

358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31,

United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

This section shall take effect one day after the date of this bill's enactment.

SA 3110. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and

Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

This section shall take effect 1 day after date of enactment.

SA 3111. Mr. BROWN (for Mr. HARKIN) proposed an amendment to the bill H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joshua Omvig Veterans Suicide Prevention Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ''PTSD'') is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1720F. Comprehensive program for suicide prevention among veterans

''(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

''(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

''(1) recognizing risk factors for suicide;

''(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

''(3) best practices for suicide prevention.

''(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

''(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

''(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

''(1) The Department of Health and Human Services.

''(2) The National Institute of Mental Health.

''(3) The Substance Abuse and Mental Health Services Administration.

''(4) The Centers for Disease Control and Prevention.

''(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

''(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

''(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

''(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

''(1) remove the stigma associated with mental illness;

''(2) encourage veterans to seek treatment and assistance for mental illness;

''(3) promote skills for coping with mental illness; and

''(4) help families of veterans with—

''(A) understanding issues arising from the readjustment of veterans to civilian life;

''(B) identifying signs and symptoms of mental illness; and

''(C) encouraging veterans to seek assistance for mental illness.

''(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

''(A) to assist other veterans with issues related to mental health and readjustment; and

''(B) to conduct outreach to veterans and the families of veterans.

''(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

''(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1720F. Comprehensive program for suicide prevention among veterans.''.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

NOTICE OF HEARING

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, today the Committee on Foreign Relations held a hearing to review the Convention on the Law of the Sea and the Agreement Relating to the Implementation of Part XI of the Convention (Treaty Doc. 103–39). The Committee heard testimony from representatives of the executive branch.

On Thursday, October 4, 2007, at 9:30 a.m. in SD–419, the Committee will conduct another hearing on the Convention on the Law of the Sea. Witnesses from outside the government will present testimony. Interested parties who have not been invited to testify may submit written testimony until the close of business on October 5, 2007 by sending it electronically to los@foreign.senate.gov or by faxing it to the Committee's Executive Clerk, Gail Coppage, at (202) 228–3612.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 27, 2007, at 9:30 a.m., in open session to consider the following nominations: Admiral Gary Roughead, USN for reappointment to the grade of Admiral and to be Chief of Naval Operations; General William E. Ward, USA for reappointment to the grade of General and to be Commander, United States Africa command; General Kevin P. Chilton, USAF for reappointment to the grade of General and to be Commander, United States Strategic Command; and Lieutenant General James N. Mattis, USMC to be General and to be Commander, United States Joint Forces Command and Supreme Allied Commander for Transformation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on modernization and efforts to address the needs of the air traffic system and to improve the movement of aircraft and passengers. Subcommittee members will be provided the opportunity to review problems encountered by travelers during the summer 2007 travel season and to consider steps that can be taken to improve the air traffic system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. 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 Thursday, September 27, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

During the Executive Session, Committee members will markup the following agenda items: S. 1578, Ballast Water Management Act of 2007; S. 1889, Railroad Safety Enhancement Act of 2007; S. 1453, Internet Tax Freedom Act (ITFA) Extension Act of 2007; S. 1965, Protecting Children in the 21st Century Act; S.J. Res. 17, a joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean; S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; Nominations for Promotion in the United States Coast Guard (PN 878, PN 946, PN 947, and PN 948).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on hard rock mining on Federal lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 27, 2007, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to hear testimony on the ''Border Insecurity, Take Three: Open and Unmonitored''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 27, 2007, at 2:30 p.m. to hold a hearing on the Convention on the Law of the Sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 27, 2007, at 9 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by an oversight hearing on the prevalence of violence against Indian women.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, September 27, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Agenda:

I. Bills: S. 1267, Free Flow of Information Act of 2007, (Lugar, Dodd, Graham), S. 2035, Free Flow of Information Act of 2007, (Specter, Schumer).

S.J. Res. 13, Joint resolution granting consent to the International Emergency Management Assistance Memorandum of Understanding, (Leahy, Snowe, Kennedy, Whitehouse), S. 980, Online Pharmacy Consumer Protection Act of 2007, (Feinstein, Sessions, Biden).

II. Resolutions: S. Con. Res. 45, commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month, (Cardin, Cornyn).

S. Res. 258, recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation, (Dodd).

III. Nominations: James Russell Dedrick to be United States Attorney for the Eastern District of Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, September 27, 2007, in order to conduct a hearing on the Nomination of Paul J. Hutter to be General Counsel, Department of Veterans Affairs. The committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized conduct a hearing entitled ''An Examination of the Google-DoubleClick Merger and the Online Advertising Industry: What are the Risks for Competition and Privacy?'' on Thursday, September 27, 2007, at 2 p.m. in the Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES AND INTERNATIONAL SECURITY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, September 27, 2007, at 3:30 p.m. in order to conduct a hearing entitled ''Cost Effective Airlift in the 21st Century''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 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. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; S. 189, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania; S. 867, to adjust the boundary of Lowell National Historical Park, and for other purposes; S. 1039, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; S. 1476, to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; S. 1709 and H.R. 1239, to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska; S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the

U.S. Virgin Islands as a unit of the National Park System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Christopher Caple and Monica Thurmond from Senator BILL NELSON's staff and David Pozen of my staff be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that George Serletis, Mollie Lane, Tim Kehrer, Sam Anderson, Amanda Mitchell, and Travis Cossitt of my Finance Committee staff be granted the privilege of the floor for the remainder of the floor debate on the Children's Health Insurance Program Reauthorization Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE ACCOMPLISHMENTS OF STEPHEN JOEL TRACHTENBERG AS PRESIDENT OF THE GEORGE WASHINGTON UNIVERSITY

RECOGNIZING AND HONORING THE 20 YEARS OF SERVICE AND CONTRIBUTIONS OF DR. JAMES HADLEY BILLINGTON AS LIBRARIAN OF CONGRESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed to the consideration of S. Res. 210 and S. Res. 336, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The bill clerk read as follows:

A resolution (S. Res. 210) honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, DC, in recognition of his upcoming retirement in July 2007.

A resolution (S. Res. 336) recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 210 and S. Res. 336) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 210

Whereas Stephen Joel Trachtenberg has served since 1988 as the 15th president of The George Washington University;

Whereas Stephen Joel Trachtenberg served as the third president of the University of Hartford in Hartford, Connecticut, from 1977 to 1988;

Whereas Stephen Joel Trachtenberg, a native of Brooklyn, New York, was an accomplished author, scholar, and educator, and has earned the respect and admiration of his colleagues, peers, and students;

Whereas Stephen Joel Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, a juris doctor degree from Yale University in 1962, and a master of public administration degree from Harvard University in 1966;

Whereas Stephen Joel Trachtenberg was selected as a Winston Churchill Traveling Fellow for study in Oxford, England, in 1968;

Whereas Stephen Joel Trachtenberg was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award in 1982, was presented with The Mt. Scopus Award from Hebrew University in Jerusalem in 1984, and received the Human Relations Award from the National Conference of Christians and Jews in 1987;

Whereas Stephen Joel Trachtenberg was honored with the Distinguished Public Service Award from the Connecticut Bar Association in 1988, and was recognized by the Hartford branch of the National Association for the Advancement of Colored People for his contributions to the education of minority students;

Whereas Stephen Joel Trachtenberg received the International Salute Award in honor of Martin Luther King, Jr. in 1992, and the Hannah G. Solomon Award from the National Council of Jewish Women;

Whereas Stephen Joel Trachtenberg was awarded the John Jay Award for Outstanding Professional Achievement in 1995 by Columbia University, the Newcomen Society Award, and the Spirit of Democracy Award from the American Jewish Congress;

Whereas Stephen Joel Trachtenberg received an honorary doctor of medicine degree from the Odessa State Medical University in Ukraine in 1996, the Distinguished Service Award from the American Association of University Administrators, and the B'nai B'rith Humanitarian Award;

Whereas Stephen Joel Trachtenberg received the Department of State Secretary's Open Forum Distinguished Public Service Award in 1997, and the Grand Cross, the highest honor of the Scottish Rite of Freemasonry;

Whereas ''Stephen Joel Trachtenberg Day'' was declared by resolution of the Council of the District of Columbia on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships, and community service;

Whereas Stephen Joel Trachtenberg was honored by Boston University in 1999, where he previously served as a vice president and as an academic dean, with an honorary doctor of humane letters degree;

Whereas Stephen Joel Trachtenberg received the Tree of Life Award from the Jewish National Fund;

Whereas Stephen Joel Trachtenberg was named a Washingtonian of the Year 2000 by Washingtonian Magazine, was decorated as a Grand Officier Du Wissam Al Alaoui by King Mohammed VI of Morocco in 2000, and was awarded the Order of St. John of Jerusalem, Knight Grand Cross for Distinguished Service to Freemasonry and Humanity;

Whereas Stephen Joel Trachtenberg received honorary doctor of laws degrees from Southern Connecticut State University, the University of New Haven, Mount Vernon College, and Richmond College in London;

Whereas Stephen Joel Trachtenberg was named a Fellow of the American Academy of Arts and Sciences, and was awarded the Department of the Treasury's Medal of Merit;

Whereas Stephen Joel Trachtenberg received the Humanitarian Award from the Albert B. Sabin Institute, and the District of Columbia Business Leader of the Year Award from the District of Columbia Chamber of Commerce;

Whereas Stephen Joel Trachtenberg performed public service as an attorney with the Atomic Energy Commission, as an aide to former Indiana Representative John Brademas, and as a special assistant at the Department of Health, Education, and Welfare;

Whereas Stephen Joel Trachtenberg authored ''Reflections on Higher Education'', published in 2002, ''Thinking Out Loud'', published in 1998, and ''Speaking His Mind'', published in 1994;

Whereas Stephen Joel Trachtenberg serves on the boards of the Chief of Naval Operations Executive Panel and the International Association of University Presidents, and as a member of the Council on Foreign Relations;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, opened new buildings for the School of Business and the Elliott School of International Affairs and a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women, to the university;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, created 5 new schools, the School of Public Health and Health Services, the School of Public Policy and Public Administration, the College of Professional Studies, the Graduate School of Political Management, and the School of Media and Public Affairs;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, ''reinvented'' the university's position and positive reputation as Washington, DC's center of scholarship;

Whereas Stephen Joel Trachtenberg will continue, after retiring as the third-longest-serving president of The George Washington University, as University Professor of Public Service and President Emeritus; and

Whereas Stephen Joel Trachtenberg and his wife, Francine Zorn Trachtenberg, have 2 sons, Adam and Ben: Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as president of The George Washington University in Washington, DC;

(2) recognizes the accomplishments and achievements of Stephen Joel Trachtenberg in higher education, as an author, as an attorney, and as a public official; and

(3) based upon his service, extends its appreciation to Stephen Joel Trachtenberg in recognition of his retirement as president of The George Washington University.

S. RES. 336

Whereas Dr. James H. Billington was nominated to be the 13th Librarian of Congress by President Ronald Reagan in 1987, and was confirmed by the Senate and sworn in as Librarian of Congress on September 14, 1987;

Whereas the world renowned collections of the Library of Congress, the largest and most comprehensive in history, have grown by almost 50,000,000 items since Dr. Billington became Librarian, totaling more than 135,000,000 today;

Whereas, during Dr. Billington's tenure, the Library of Congress modernized its collection through the creation of the National Digital Library Program, the American Memory program, THOMAS, and the World Digital Library;

Whereas the Librarian created the first ever private sector philanthropic and advisory group, The Madison Council, to spearhead countless programs for the Library and assist in its funding efforts;

Whereas the Library of Congress has successfully acquired the 1507 Martin Waldseemuller map, the Martin Carson collection of early Americana, the Jay Kislak early Americas collection, and has also continued the preservation of Library collections and promoted cultural and educational outreach programs through the added assistance of private contributions and in-kind gifts collected during Dr. Billington's tenure;

Whereas, during James Billington's Librarianship, the Library of Congress has displayed its treasures and those of other Nations in more than 300 spectacular and enriching exhibitions at the Library and on its Internet website;

Whereas, during Dr. Billington's tenure, the Library of Congress has been a leader in the library world in establishing systems to protect vast collections such as the National Recording Registry and the National Digital Information Infrastructure and Preservation Program, developing cutting edge preservation developments to maintain and protect multiple format collections for future generations, and also ensuring the security of staff, researchers, and visitors;

Whereas the Kluge Center at the Library of Congress was established during the Librarian's tenure to foster mutually enriching interaction between the scholarly world and policy makers and supports the $1,000,000 Kluge Prize honoring lifetime achievements in the humanities;

Whereas the Library of Congress Thomas Jefferson and John Adams buildings were restored by Congress over a multi-year period and reopened to the public in 1997, restoring in particular the century-old Jefferson Building to its former glory as one of the most beautiful buildings in America;

Whereas Dr. Billington has overseen the consolidation of the Library's recorded sound and moving images in a large-scale digital storage archive at the Packard Campus for Audio-Visual Conservation, which was constructed through a unique private-public partnership with the Packard Humanities Institute;

Whereas the Library of Congress and First Lady Laura Bush instituted and have cosponsored the very popular National Book Festival annually since 2001, celebrating the joy of reading and the creativity of America's writers and illustrators;

Whereas the programs of the Library of Congress, including the National Digital Library which processed over 5,000,000,000 transactions in 2006 alone, have made freely available to the American people millions of historical items in the Library's incomparable collection through online databases, including 11,000,000 rare primary source materials from its collection, to invigorate and promote lifelong learning in every locality in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 327 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill as amended be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3111) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joshua Omvig Veterans Suicide Prevention Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ''PTSD'') is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1720F. Comprehensive program for suicide prevention among veterans

''(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

''(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

''(1) recognizing risk factors for suicide;

''(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

''(3) best practices for suicide prevention.

''(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

''(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

''(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

''(1) The Department of Health and Human Services.

''(2) The National Institute of Mental Health.

''(3) The Substance Abuse and Mental Health Services Administration.

''(4) The Centers for Disease Control and Prevention.

''(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

''(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

''(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

''(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

''(1) remove the stigma associated with mental illness;

''(2) encourage veterans to seek treatment and assistance for mental illness;

''(3) promote skills for coping with mental illness; and

''(4) help families of veterans with—

''(A) understanding issues arising from the readjustment of veterans to civilian life;

''(B) identifying signs and symptoms of mental illness; and

''(C) encouraging veterans to seek assistance for mental illness.

''(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

''(A) to assist other veterans with issues related to mental health and readjustment; and

''(B) to conduct outreach to veterans and the families of veterans.

''(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

''(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1720F. Comprehensive program for suicide prevention among veterans.''.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 327), as amended, was read the third time and passed.

MAKING PERMANENT THE WAIVER AUTHORITY OF THE SECRETARY OF EDUCATION WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3625, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 3625) to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operations or national emergency.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3625) was ordered to be read a third time, was read the third time, and passed.

TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 3668) to provide for the extension of transitional medical assistance (TMA), the abstinence education program and the qualifying individuals (QI) program.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3668) was ordered to be read a third time, was read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 2693

Mr. BROWN. Mr. President, I understand that H.R. 2693 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

Mr. BROWN. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

SEQUENTIAL REFERRAL—NOMINATION OF JULIE MYERS

Mr. BROWN. Mr. President, as in executive session, I ask unanimous consent that when the Committee on Homeland Security reports the nomination of Julie Myers, PN 93, to be Assistant Secretary of Homeland Security, it be sequentially referred to the Judiciary Committee for up to 30 calendar days; further, that if the nomination is not reported by the completion of that time, the nomination be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 28, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Friday, September 28; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:57 p.m., adjourned until Friday, September 28, 2007, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2007, VICE ELMER B. STAATS, TERM EXPIRED.

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2013. (REAPPOINTMENT)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

MADONNA CYNTHIA DOUGLASS, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2013, VICE W. SCOTT RAILTON, TERM EXPIRED.

DEPARTMENT OF LABOR

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE SAMUEL T. MOK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ERNEST VALDEZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LAURA M. HUNTER, 0000
DOUGLAS JAMES, 0000
GEORGE W. RYAN, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MAX B. BULLEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GERALD K. BEBBER, 0000
STEVEN L. BERRY, 0000
GARY W. BROWN, 0000
KENNETH W. BUSH, 0000
ROBERT M. COFFEY, 0000
ROGER D. CRINER, 0000
MICHAEL W. DUGAL, 0000
RODNEY A. LINDSAY, 0000
ROBERT T. MEEK, 0000
DANIEL J. MINJARES, 0000
RICHARD G. MOORE, 0000
DENNIS R. NEWTON, 0000
GARY L. NORRIS, 0000
KENNETH W. STICE, 0000
RONALD H. THOMAS, 0000
PHILLIP F. WRIGHT, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOHN A. MCHENRY, 0000

To be lieutenant colonel

JAMES B. CHAPMAN, 0000

To be major

DAVID P. LAW, 0000
ALAN S. WALLER, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EDWARD F. FREDERICK, 0000

To be major

GREGORY CHARLTON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GERALD R. BROWN, 0000

EXTENSIONS OF REMARKS

COMMENDING DWAIN LUCE, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Dwain Luce of Mobile, AL, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in the Ken Burns' documentary series ''The War.''

After graduating from Auburn University with a reserve commission in 1938, Mr. Luce went to Mississippi to work for his family's cannery business. Following the Japanese attack on Pearl Harbor, he was recalled to active duty and reported to duty on January 15, 1942.

As a lieutenant in the 82nd Airborne Division's 320th Glider Field Artillery Battalion, he participated in the invasions of Sicily and later Italy. He was promoted to captain, and he and his unit were sent to England to train for the invasion of France. He landed his glider at Normandy on June 6, 1944, and survived 33 days of fighting there.

Several months later, his unit saw action again when they were dropped behind enemy lines into Holland as part of Operation Market Garden. They remained in Holland for 6 weeks battling both the Germans and the cold weather.

He and his unit also participated in the Battle of the Bulge where they anchored the northern flank of the American lines. On May 1, 1945, the 82nd Airborne took 144,000 German prisoners as they surrendered to Americans.

His story, along with other Mobilians, is told in the Ken Burns' documentary series ''The War.'' Madam Speaker, the recognition of Dwain Luce in ''The War'' documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Luce and his selfless devotion to our country and the freedom we enjoy.

IN HONOR OF THE 25TH ANNIVERSARY OF THE GREATER SPOKANE SUBSTANCE ABUSE COUNCIL

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to honor the Greater Spokane Substance Abuse Council, GSSAC, as they celebrate 25 years of service to the Spokane community. In 1982, local policymakers and citizens joined together to take a stand against the devastation of drugs and violence. Through their efforts, GSSAC now runs programs and collaborative efforts that are empowering our youth, focusing on prevention of substance abuse and violence and solving the problem of meth abuse in our community.

At the core of the GSSAC Prevention Center mission is a desire to equip those in need with the knowledge and skills to make positive choices in their life. They work to unite and support the community through fostering positive attitudes and behaviors. Most of all, they encourage, facilitate, initiate and assist all people, groups and organizations in finding solutions to alcohol, tobacco and other drug abuse.

Over the 25 years that GSSAC has served the greater Spokane community, they have accomplished many milestones. The staff and volunteers of GSSAC give their time and resources through a variety of programs like the Spokane County Meth Action Team, Washington Drug-Free Youth and Prevention in Practice. They also help to disseminate information about drug abuse and prevention through their Information Clearing House.

Madam Speaker, I rise today to congratulate the staff and volunteers of Greater Spokane Substance Abuse Council on 25 years of influential service to our community. I invite my colleagues to join me in commending them for continuing on with their vision to make Spokane a safer place to live, and raising awareness on how we can prevent substance abuse in our communities.

LEGALIZING INTERNET GAMBLING WOULD HARM U.S. TRADE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, as I stated here a couple of months ago, I believe very strongly that whatever our policy is on other types of gambling, we need to maintain a firm line against any form of sports gambling. Gambling on sports events undermines the integrity of American athletics. It can create corruption or the appearance of corruption, and it taints the image of sports as wholesome, family-friendly entertainment.

I also stated that I opposed legalization of online sports gambling in H.R. 2046. It is not enough to allow sports associations to say ''not on my game'' if Congress is sending the message to the public that sports gambling is fine. If we are going to consider any loosening of laws against online gambling, we need to say ''not on sports, period.''

But yesterday I received a letter from Stuart Eizenstat, a very well-respected trade expert who was formerly U.S. Ambassador to the European Union and Under Secretary of Commerce for International Trade, writing on behalf of the National Football League. Ambassador Eizenstat's letter informs me that, under the present circumstances, even ''not on sports, period'' could leave the NFL and other great American athletic institutions vulnerable to assault by the offshore gambling interests who want to make money off the popularity of these games.

According to Ambassador Eizenstat's letter, a law that legalizes most online gambling but includes limited exceptions, such as a sports gambling exception, will be vulnerable to attack in the World Trade Organization. If the WTO rules against the U.S. law, the U.S would have to choose between eliminating the exception—feeding our treasured sports to the gambling wolves—or paying billions in compensation to our trading partners. I, for one, think we should avoid having to decide which of these is the lesser of two evils if we can.

It appears that the U.S. does have a way out, by withdrawing any commitments to free trade in gambling. The U.S. Trade Representative is currently in the middle of negotiating this withdrawal. But this requires compensation too, for taking away market access from our trading partners. How much compensation? Not much at all, given that almost all Internet gambling is illegal. But if we make it legal, even if sports gambling is excluded, then there is a big legal market for which we will owe compensation.

As Ambassador Eizenstat says, ''withdrawal negotiations should be brought to a conclusion before Congress passes any new gambling legislation.'' In the interest of protecting American athletics, I plan to take this advice to heart.

Madam Speaker, I ask unanimous consent to enter Ambassador Eizenstat's letter into the RECORD.

COVINGTON & BURLING, LLP,
Washington, DC, September 24th, 2007.

Hon. EDOLPHUS TOWNS,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE TOWNS: I am writing on behalf of the National Football League, NFL, to urge you to oppose H.R. 2046, the ''Internet Gambling Regulation and Enforcement Act,'' which would legalize Internet gambling. Along with all other major U.S. professional and amateur sports associations, the NFL is very concerned about protecting the integrity of American athletics from the adverse effects of sports gambling. As the recent National Basketball Association referee scandal shows, this is a very real concern. From a trade perspective, H.R. 2046 is fundamentally flawed. This bill, and any other legislation legalizing Internet gambling, also may have the unintended consequence of giving foreign service suppliers greater access to the U.S. market in a range of services sectors.

H.R. 2046 reverses 50 years of U.S. public policy by endorsing and legalizing sports betting, and it vastly expands access to all forms of gambling. Although the bill allows sports leagues and states to opt out of this gambling legalization scheme, these exceptions may be successfully challenged in the World Trade Organization, WTO, under existing trade rules. While the WTO General Agreement on Trade in Services permits a

complete gambling prohibition that is ''necessary to protect public morals,'' a patchwork approach that legalizes most gambling and includes limited opt outs may be difficult to defend. Indeed, Antigua's WTO counsel, emboldened by Antigua's successful challenge to current U.S. laws that prohibit gambling, already has stated his belief that the opt out provisions in H.R. 2046 are inconsistent with the United States' WTO commitments. Given Antigua's past success in challenging U.S. anti-gambling statutes in the WTO and Antigua's current demands for $3.4 billion in compensation, the stakes are high. Passage of H.R. 2046 could well lead to further WTO litigation.

After losing the gambling dispute with Antigua, the United States Trade Representative (USTR) took the important step last May of notifying the WTO of its intent to modify its WTO commitments to explicitly exclude gambling and betting services. The USTR is now in the process of negotiating with eight WTO countries who claim that they are adversely affected by this withdrawal. These withdrawal negotiations should be brought to a conclusion before Congress passes any new gambling legislation. This is especially so since passage of H.R. 2046 would, for the first time, create a legal American market for Internet gambling, significantly complicating ongoing negotiations and making it much more costly to withdraw the U.S. commitment on gambling services.

Specifically, as part of the withdrawal negotiations, the United States has to make ''compensatory adjustments,'' i.e., further open the U.S. services market to foreign suppliers to compensate for the withdrawal of the gambling services commitment. Currently, given that remote gambling services are largely illegal in the United States, the access that foreigners will get to the U.S. market as a result of the gambling commitment withdrawal is minimal. Passage of H.R. 2046 will create a large, legal gambling market in the United States. Foreigners will then be able to demand far greater access to the U.S. market in the ongoing withdrawal negotiations. Greater market access demands could conceivably impact the U.S. financial services sector, the telecommunications sector, and others.

The negative impact of H.R. 2046 on U.S. industries and U.S. trade negotiations could be significant. This bill—and, in fact, any bill that authorizes Internet gambling of any kind—will greatly complicate the USTR's efforts to withdraw the United States' gambling commitment by providing foreign countries with leverage to demand greater access to the U.S. services market. Furthermore, under the current WTO rules, the bill's opt out provisions for sports leagues and states could very likely be challenged in the WTO, potentially leading to a situation where foreign gambling companies could provide gambling services to Americans over the objections of the NFL, other sports leagues, and state governments. For all of these reasons, I urge you to oppose H.R. 2046 and any other proposals to legalize Internet gambling in the United States.

Sincerely,

STUART E. EIZENSTAT.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. RODRIGUEZ. Mr. Speaker, I am proud to support the State Children's Health Insurance Program Reauthorization bill. At a time when there are over 46 million uninsured individuals in this country, and over 5 million uninsured people in Texas alone, it is time that Congress stepped up and improved access to healthcare for children—our most vulnerable population. This legislation will go a long way in providing care to children of low-income families, some of our most disadvantaged individuals.

Without this important legislation, SCHIP will expire at the end of the month. Since its inception ten years ago, SCHIP has been a highly successful program. There are currently 6.6 million children enrolled in SCHIP, but millions more are eligible for the program and continue to lack health insurance. Approximately two-thirds of uninsured children are eligible for SCHIP or Medicaid and it is our responsibility to ensure that these children receive health benefits. Without healthcare coverage under SCHIP many children of the working poor are forced to replace regular visits to primary care physicians with costly trips to the emergency room.

Today's expansion will provide states with the resources to start covering more of these eligible children. This legislation will expand the Children's Health Insurance Program by $35 billion over the next 5 years, allowing states to cover an estimated 3.8 million more children. In Texas alone, an additional 440,000 children will receive coverage. Texas has the unpleasant distinction of being the state with the most uninsured residents. With 5 million uninsured Texans, providing healthcare coverage for another half million children is a critical first step for the state of Texas.

I am proud to support this important SCHIP expansion that will improve healthcare access for children in Texas and across the Nation.

COMMENDING WILLIE RUSHTON, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Willie Rushton of Mobile, Alabama, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in the Ken Burns' documentary series ''The War.''

Born in Nadawah, Alabama, Mr. Rushton grew up on a saw mill farm in Atmore. After graduating from high school, he moved to Mobile to work at the Coca-Cola Bottling Plant. He was drafted in the spring of 1943, just a year after getting married.

He signed on with the Marines and was shipped to the Pacific in July 1943. His son was born just 1 month later, a son he would not see for more than 2 years. Assigned to the 11th Depot Company, he served in the South Pacific from July 1943 until October 1944. He and his unit—a unit that sustained the highest casualty rate of any black Marine unit—took part in the invasion of Peleliu along with the 1st Marine Division.

Mr. Rushton himself was wounded in the leg by shrapnel from a mortar round while on the island. When he returned to Mobile following his discharge in November 1945, he was unable to return to his job at Coca-Cola. He worked at Sears, Brookley Field, and the United States Postal Service, where he stayed for 43 years.

Madam Speaker, the recognition of Mr. Willie Rushton in ''The War'' documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Rushton and his selfless devotion to our country and the freedom we enjoy.

IN HONOR AND RECOGNITION OF BURT SALTZMAN, CEO OF DAVE'S SUPERMARKETS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Burt Saltzman, CEO of Dave's Supermarkets, whose entire career has focused on serving the community. His kind and charitable demeanor has made him a well-known and widely embraced individual amongst the citizens of Cleveland, the supermarket employees, vendors, and community organizations alike.

Dave's Supermarket is named after Mr. Saltzman's father and employs over 1,500 associates. This year, the store celebrates 75 years of providing the people of the neighborhood with quality groceries at affordable prices, as well as an unmatched kind of customer service. Mr. Saltzman is one of few CEOs who will work alongside employees and help customers one-on-one.

Not only does he take time to show he cares for Dave's associates, Mr. Saltzman is also very active in the community. He supplies food to soup kitchens, hunger centers, shelters, a day care, and supports the Cleveland Food Bank as well as Mental Health Services, Inc. Mr. Saltzman's charitable efforts have not gone unrecognized; he is in the Grocer's Hall of Fame and has received an ''Others'' award from the Salvation Army. The ''Others'' award is given in recognition of those who benefit the Salvation Army and/or the community as a whole.

Madam Speaker and colleagues, please join me in thanking and honoring Mr. Burt Saltzman for his enduring commitment to Northeast Ohio. His devotion and care are the epitome of civic engagement and community pride.

TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of H.R. 3668, but with a great sense of frustration. H.R. 3668 temporarily extends a number of expiring health programs which low-income individuals depend on. Unfortunately, these effective, important programs are held hostage through their attachment to the Title V Abstinence Education program, a program which is ineffective, which prizes ideology over science, and which harms our children through the provision of medically inaccurate information.

Mr. Speaker, teen pregnancy is a serious issue in this country. In the United States, three in ten girls become pregnant by age 20—nearly double the teen pregnancy rate in Great Britain, four times the rate in France and Germany, and nearly ten times the rate in Japan. The National Campaign to Prevent Teen Pregnancy estimates that teen pregnancies impose an additional $9.1 billion in societal costs every year in the United States—and this is after teen pregnancy and birth rates declined by one-third in the past decade.

It should come as no great surprise that the costs of teen pregnancy are so high—pregnant teenagers are substantially less likely than their peers to finish high school, attend college, or go on to pursue professional careers. Pregnant teenagers are less likely to obtain prenatal care, exposing their babies to an increased risk of low birth weight and of being born prematurely. At the age of 2, they have significantly lower cognitive test scores. And because the majority of children from teen pregnancies are born to unmarried women, they are more likely to be poor, drop out of high school, and have poor grades and school attendance records. This is, of course, to say nothing of abortion—which is still a major consequence of teen and unintended pregnancy.

Teen pregnancy is a serious problem, and it demands a serious solution. Of course we should want to delay the onset of sexual activity in our children—what parent of a teenager wouldn't want that? But we cannot let that desire blind us to the very real fact that teenagers, despite our best intentions, will and do have sex, and that our wanting them not to does not absolve us of our obligation to protect them and keep them safe. Pretending that sexual activity among teenagers does not exist will not reduce the number of new sexually transmitted infections, it will not reduce the number of teenage girls who become pregnant, and it will not reduce the number of abortions performed every year.

We have both a practical and a moral obligation to ensure that American teenagers and their families have the resources and the knowledge to make the right decisions about how to prevent teen pregnancies and the spread of sexually transmitted infections. When the House passed the CHAMP Act in August, the bill included a reauthorization of the Title V Abstinence Education program that would have ensured that when we teach children about the importance of abstaining from sexual activity, we do it in a way that is age-appropriate, medically accurate and science-based, and that we allow States the flexibility they need to respond to conditions in their schools in an appropriate way.

I commend Chairman DINGELL for including these improvements in the CHAMP Act, and I express my sincerest hope and conviction that any long-term reauthorization of Title V that passes this House this year will include similar language. Just this year, reports by the House Committee on Government Reform and Oversight, Mathematical Policy Research and the Government Accountability Office indicate that many of the programs funded through Title V contain staggering medical inaccuracies, and that students actually understand less about sexually transmitted diseases after having completed the programs than they did when they began. We have spent $1.25 billion on these programs since Fiscal Year 2001, paying for teachers to tell children that "relying on condoms is like playing Russian Roulette," and that "AIDS can be transmitted through skin-to-skin contact." I believe we can and must do better, and I will continue to fight for responsible, science-based programs that will meaningfully protect our children.

RECOGNIZING THE ACHIEVEMENTS OF MR. ALVIN BROOKS

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the achievements of Mr. Alvin Brooks, a pioneer for civil and human rights, and a resident of the Fifth District of Missouri which I am honored to represent. This week, Mr. Brooks will be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

As a former Mayor of Kansas City, Missouri, I am well aware of the contributions Al has made to the landscape of Kansas City. Mr. Alvin Brooks' experience in City government spans over a quarter century. Alvin Brooks is the former Mayor Pro Tem and 6th District At-Large City Councilperson for the City of Kansas City, Missouri. He was first elected in 1999 and re-elected in 2003. After his first election, Brooks was appointed as Mayor Pro Tem by Mayor Kay Barnes. In addition to serving as Mayor Pro Tem, Brooks chaired the Public Safety Committee, the Police Capital Improvements Oversight Committee, the Police Site Selection Committee, and was vice-chair of the Aviation Committee and the Finance and Audit Committee. Brooks lost a bid for Mayor of Kansas City this past spring by a mere 851 votes.

While Kansas City's Mayor Pro Tem, Councilman Brooks served as a member of numerous committees and perhaps most visible through his work as President of the Ad Hoc Group Against Crime, which he founded in 1977. The Ad Hoc Group Against Crime is a broad-based, grass roots community organization, which appointed him President/CEO of Ad Hoc in April of 1991. "I get my strength from my spirituality—from being spiritual and believing that one lightens his or her burden by helping people lighten their burden. People enter our space and you are energized by them," said Mr. Brooks.

Brooks learned his philosophy on the street. As Kansas City police officer from 1954 to 1964, he held the rank of detective and worked with runaways and gang members. Shortly after the civil disorder of 1968, he organized the city's Human Relations Department and served as its first director until 1984. He was the first African-American to serve as a department head for the City of Kansas City, Mo. In 1999, he was first elected to serve as the Sixth District at-Large Councilman in 1999 and re-elected in 2003. Brooks was appointed as Mayor Pro Tem by Mayor Kay Barnes. In addition, to serving as Mayor Pro Tem, Councilman Brooks was a member of the Legislative, Rules, and Ethics Committee and the Aviation Committees. His dedication to Kansas City includes serving as an Assistant City Manager for 7 years.

Presently, Mr. Brooks is a consultant to many business executives in the area of diversity, minority and women matters. He has also been a motivational speaker and lecturer for various governmental agencies, colleges and universities, and the private sector. He has conducted hundreds of seminars and workshops on the subject of cultural/racial diversity, religious tolerance and civil rights. He has taught classes and conducted lectures and workshops on a multitude of subjects, including the criminal justice system, crime and violence prevention, community involvement and police-community relations. He is also a certified mediator, and has lobbied at the local, state and federal levels.

In 1989, Brooks received national attention from President George H.W. Bush in 1989 as he was recognized as one of "America's 1,000 points of light," and was subsequently appointed to a 3-year term on the President's National Drug Advisory Council. This is but one of the many accolades Al has received over the years. The recipient of four honorary doctorate degrees from colleges and universities in metropolitan Kansas City and surrounding areas, Brooks has also received too numerous other accolades to mention. In all of his activities, he demonstrates his dedication and commitment to the greater good of others.

Al lives in South Kansas City, Missouri with his wife Carol, to whom he has been married for 57 years. Together they have raised six children—one son (deceased), and five daughters. They also have 17 grandchildren, 17 great-grandchildren, and 2 great-great-grandchildren.

Throughout his life, he has put his principles to practice, and the effects of his efforts have brought about a more diverse and concerned citizenry throughout the Kansas City metropolitan area. For these reasons and more, it is indeed an honor and privilege to recognize Mr. Alvin Brooks at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Madam Speaker, please join me in expressing our appreciation to Mr. Alvin Brooks, not just to the Kansas City community, but to the entire country at large. He is a true role model, a person who has been dedicated with

improving the condition of his fellow man for nearly 50 years.

POPCORN WORKERS LUNG DISEASE PREVENTION ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl:

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in support of the Popcorn Workers Lung Disease Prevention Act.

Bronchiolitis obliterans frequently referred to as popcorn lung is a serious and debilitating lung disease, which has resulted in severe illness and even death of workers in popcorn and flavor production. This irreversible disease has been linked with exposure to the artificial butter chemical, diacetyl. However, despite this knowledge, the Occupational Safety and Health Administration (OSHA) has not issued a single regulation for diacetyl. In fact, OSHA has not issued a single worker safety standard in the last 7 years, except for one ordered by a court.

This legislation requires OSHA to issue an emergency standard within 90 days to minimize worker exposure to diacetyl in popcorn and flavorings manufacturing plants. It also requires OSHA to develop a permanent and more comprehensive standard within the next 2 years to regulate diacetyl exposure in all workplaces.

The Popcorn Workers Lung Disease Prevention Act is supported by a wide range of organizations including the Flavor and Extract Manufacturers Association, the AFL–CIO, the American Society of Safety Engineers, and the American Industrial Hygiene Association.

All workers have the right to a safe and healthy workplace. I urge my colleagues to join me in voting for H.R. 2693.

INTRODUCTION OF THE STATE VIDEO TAX FAIRNESS ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CONYERS. Madam Speaker, I rise today to introduce the State Video Tax Fairness Act of 2007. This legislation will ensure that video competition remains robust, states retain the ability to raise revenue through sales taxes, and, most importantly, consumers are not harmed.

Discriminatory sales taxes harm consumers. It is well-established that robust competition for substitutable products generally benefits consumers by yielding lower prices and greater quality.

A number of states, however, have enacted what may be deemed to be discriminatory sales taxes on DBS service, with no burden or a lesser burden placed on cable subscribers, and more states are threatening to do so. These states impose a higher sales tax on nationally distributed DBS subscribers than they do on cable or other types of video providers.

The legislation that I am introducing today will ensure fair taxation to all consumers, and I hope to conduct hearings and request a GAO study of this issue.

The State Video Tax Fairness Act of 2007 would prohibit discriminatory taxes against any pay-TV service and apply the non-discrimination principle to taxes on both services and equipment.

State revenues would not be impacted. The Act would allow states to tax pay-TV providers or their subscribers, provided that such taxes are applied equally to all such services, including cable and DBS.

Consumers Union and Media Access Project, in separate letters submitted to this record, point out that artificial cost increases to the consumer imposed on one category of service provider can undermine the consumer benefits of competition. A discriminatory sales tax placed on one type of provider but not another is such an artificial cost.

National Taxpayers Union, in a letter submitted to this record, points out that, at the very least state and local governments should not discriminate among products or services by disadvantaging one with heavier taxes. Discriminatory sales taxes against DBS subscribers set a dangerous precedent for picking and choosing winners and losers in a marketplace based on who receives the most favorable sales tax treatment, rather than who provides the best value to consumers.

I urge my colleagues to join me as cosponsors of this legislation.

COMMENDING SIDNEY PHILLIPS, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Dr. Sidney Phillips of Mobile, Alabama, for his courageous service during World War II. At just 17 years of age when the Japanese attacked Pearl Harbor, young Sidney Phillips signed up for the Marines.

After training, Pvt. Phillips was assigned to H Company, 2nd Battalion, 1st Marines Regiment, 1st Marine Division, and taught to operate the 81 mm mortar. He went overseas in the spring of 1942 first to New Zealand, and then to the Solomon Islands that August where he participated in the landings on Guadalcanal. He survived four months of combat on the island and fought in many battles, including the Battle of the Tenaru.

At the end of 1943, he was sent to New Guinea for training and participated in the invasion of Cape Gloucester, on the western tip of New Britain. In 1944, he was sent back to the United States for the V–12 naval officer training program. He was still in training when the war ended, and was able to return to Mobile.

His story is told in the Ken Burns' documentary series "The War." He is now a retired physician living in Theodore. In 1997, Dr. Phillips penned his war memoir entitled, "You'll Be Sor-ree!"

Madam Speaker, the recognition of Dr. Sidney Phillips in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Dr. Phillips and his selfless devotion to our country and the freedom we enjoy.

IN HONOR OF THE 125TH ANNIVERSARY CELEBRATION OF HOOPER, WA

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to honor the town of Hooper, WA, as they celebrate their 125th anniversary this year. This town has come a long way since four McGregor brothers, John, Archie, Peter and Alec, established the McGregor Land & Livestock Company in Hooper over a century ago. Hooper joins a long list of small communities in Washington State that have found a way to strive and succeed over the years through the trials and tribulations of an ever changing agriculture industry.

Through the efforts of the community, Hooper has come to symbolize the importance of working together to restore and preserve a rich history. The citizen's commitment to revitalizing the buildings and grounds of the area is outstanding. Seeing refurbished early 20th century buildings like the Hooper Hotel, Hooper Store, and U.S. Post Office conjures memories of simpler times in Washington State's history when rough herdsman, seasonal workers, and aspiring immigrant farmers would come out west in search of the American Dream.

The legacy of these brave individuals will echo for centuries. Due to the hard work and diligence in breaking out land and experimenting with agriculture methods in this part of the country, we now enjoy one of the most successful agriculture industries in the nation. More than 120 families in Whitman County alone have farmed and ranched here for a century or more. Whitman County is the leading wheat producing county in the United States; the Hooper area contributes greatly to this impressive statistic.

What a thrill it must have been to enjoy the company of nearly 400 past and present residents of Hooper during their celebration in August. I am certain we will all be in awe as the beautiful restoration continues in Hooper. This town has been a diamond in the rough for Whitman County since 1882.

Madam Speaker, I rise today to congratulate the town of Hooper and people who have made it such a wonderful part of Washington State history over the years. I invite my colleagues to join me in honoring the community of Hooper, WA as they celebrate 125 years together.

OPERATION SILENCE: SHIFTING BLAME ON AIR INDIA BOMBING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, on August 4, the Indian newspaper and website Tehelka, which has done significant work exposing corruption in India, published a report on the 1985 Air India bombing, which was the worst terrorist incident involving aircraft until September 11, 2001. In the report, they produce new evidence that the Indian Government was responsible for the attack, which killed 329 innocent people.

The new report discusses the interrogation of the late Babbar Khalsa leader Talwinder Singh Parmar, who was considered by the Indians to be one of the masterminds of the attack. It should be noted that Babbar Khalsa was and is heavily infiltrated by the Indian Government and has been pretty much under its control

In his interrogation, Parmar points the finger of responsibility straight at the Indian Government. The documents, obtained from the Punjab Human Rights Organization, PHRO, which conducted a 7-year investigation, were supposed to have been destroyed by the interrogating officer, but he secretly kept them all this time.

Parmar identifies Lakhbir Singh Rode as a mastermind of the bombing. Rode is head of the International Sikh Youth Federation. According to PHRO, Rode is an agent of the Indian Government. Sarabjit Singh, chief investigator for the PHRO, reports that Parmar was ordered killed to cover up Rode's involvement.

Parmar was supposed to have been killed in an encounter with police, but the PHRO pointed out that he had been in police custody for some time at the time he was killed. PHRO reports that there is "conclusive evidence" that Parmar was killed in police custody.

With this information coming on top of the mountain of evidence produced by Zuhair Kashmeri and Brian McAndrew in their book Soft Target and the report by former Member of Parliament David Kilgour in his book Betrayed: The Spy Canada Abandoned, in which he reports that a Canadian-Polish double agent was approached by representatives of the Indian Government asking him to become involved in a second bombing because "the first one worked so well," there can be no doubt that the Indian Government itself is the real culprit behind this act of terrorism. The links are just too strong.

State terrorism is unacceptable whether it is carried out by the Taliban in Afghanistan, by Mr. Ahmadinejad in Iran, by some tinhorn dictator in Latin America, or by the "world's largest democracy." We cannot let this stand. The time has come to stop our aid to India, end our trade, and speak out strongly for self-determination, the cornerstone of democracy, throughout South Asia. Only then will these kinds of abuses, designed to set up one ethnic or religious group as "terrorists" so they can be killed, come to an end.

I request the permission of the House to place the Tehelka article in the RECORD for the information of my colleagues and the public.

KANISHKA TRAGEDY—OPERATION SILENCE

(By Vikram Jit Singh)

Fifteen years after Babbar Khalsa International leader Talwinder Singh Parmar, one of the two alleged masterminds of the mid-air bombing of Air India's Kanishka airplane, was shown as having being killed in an encounter in Punjab, retired Punjab Police DSP Harmail Singh Chandi, who nabbed Parmar from Jammu in September 1992 and interrogated him for five days before he was killed along with five others, has come forward with the claim that Parmar was killed in police custody on the orders of senior police officers, who also asked his confession record to be destroyed. In his confession, Parmar had named Lakhbir Singh Brar ''Rode'', nephew of the late Bhindranwale and head of the banned International Sikh Youth Federation, as the mastermind of the bombing. Rode, who is now said to be holed up in Lahore, has never figured in the investigations of either the CBI or the Canadian authorities.

Chandi has brought forward the entire record of Parmar's confession, including audio tapes and statements, before the Royal Canadian Mounted Police (RCMP) and the John Major Commission of Inquiry that is reinvestigating the June 23, 1985 blast that claimed 331 lives off the Irish coast. Chandi had been ordered by senior officers to destroy the records but he retained them secretly. The record was brought before the Major Commission due to seven-year-long investigations by the Punjab Human Rights Organisation (PHRO), a Chandigarh-based ngo that conducted interviews of Parmar's associates in India and Canada and pieced together a comprehensive report. The PHRO's Principal Investigator Sarbjit Singh and lawyer Rajvinder Singh Bains flew to Canada along with Harmail in June and produced their findings before the Commission's counsels.

A Canadian citizen, Parmar was shown as having been killed in an exchange of fire between police and six militants in the wee hours of October 15, 1992, near village Kang Arian in Phillar sub-division. However, evidence brought forward by Harmail (who was then DSP, Phillaur) shows that Parmar was interrogated between October 9 and 14 by senior police officers, where he revealed that the blasts were instigated by Lakhbir Singh Brar Rode.

Parmar's confession reads: ''Around May 1985, a functionary of the International Sikh Youth Federation came to me and introduced himself as Lakhbir Singh and asked me for help in conducting some violent activities to express the resentment of the Sikhs. I told him to come after a few days so that I could arrange for dynamite and battery etc. He told me that he would first like to see a trial of the blast . . . After about four days, Lakhbir Singh and another youth, Inderjit Singh Reyat, both came to me. We went into the jungle (of British Columbia). There we joined a dynamite stick with a battery and triggered off a blast. Lakhbir and Inderjit, even at that time, had in their minds a plan to blast an aeroplane. I was not too keen on this plan but agreed to arrange for the dynamite sticks. Inderjit wanted to use for this purpose a transistor fitted with a battery . . . That very day, they took dynamite sticks from me and left.

''Then Lakhbir Singh, Inderjit Singh and their accomplice, Manjit Singh, made a plan to plant bombs in an Air India (AI) plane leaving from Toronto via London for Delhi and another flight that was to leave Tokyo for Bangkok. Lakhbir Singh got the seat booking done from Vancouver to Tokyo and then onwards to Bangkok, while Manjit Singh got it done from Vancouver to Toronto and then from Toronto to Delhi. Inderjit prepared the bags for the flights, which were loaded with dynamite bombs fitted with a battery and transistor. They decided that the suitcases will be booked but they themselves will not travel by the same flights although they will take the boarding passes. After preparing these bombs, the plan was ready for execution by June 21 or 22, 1985. However, the bomb to be kept in the flight from Tokyo to Delhi via Bangkok exploded at the Narita airport on the conveyor belt. The second suitcase that was loaded on the Toronto-Delhi ai flight exploded in the air.''

Sarabjit said the PHRO's probe has shown that Parmar was killed to hide the name of Lakhbir, who was an Indian agent. ''After the Khalistan movement gained in sympathy in the West, especially in Canada, after the 1984 Blue Star operation and the killing of Sikhs in Delhi, a plot was hatched to discredit the Sikh movement. Parmar was roped in by Lakhbir at the behest of his masters. The Punjab Police got orders to finish off Parmar as he knew too much about the main perpetrators. On the day of the Kanishka blast, an explosion took place at Japan's Narita airport, where two Japanese baggage handlers were killed. The plot was to trigger blasts when the two aircraft had de-embarked their passengers but the 1 hour 40 minute delay in Kanishka's takeoff led to the bomb exploding mid-air,'' Sarbjit said.

What gives credence to Sarabjit's charge is the Source Report (in Tehelka's possession) prepared by the Jalandhar Police soon after Parmar was killed. Based on information provided by Parmar—though not attributing it to his interrogation—the report makes no reference to Lakhbir. Interestingly, Lakhbir, accused in many acts of terrorist violence, is wanted by the Indian Government in only a minor case registered in Moga, Punjab. The Red Corner Interpol notice, A–23/1–1997, put out by the CBI against Lakhbir states: ''OFFENCES: House breaking, theft, damage by fire.''

The PHRO told Canadian authorities that conclusive evidence existed of Parmar being killed in police custody and not in the ''encounter'' shown in FIR No 105 registered at Phillaur police station on October 15, 1992. The PHRO report, AI Flight 182 Case, states ''On October 14, 1992, a high-level decision was conveyed to the police that Parmar had to be killed . . . The contradiction in the FIR and post-mortem report (PMR) is too obvious. As per the FIR, Parmar was killed by AK–47 fire by SSP Satish K Sharma from a rooftop. The PMR shows the line of fire of the three bullets is different. It cannot be if one person is firing from a fixed position. The PMR is very sketchy and no chemical analysis was done. Moreover, the time of death is between 12am and 2am according to the PMR, whereas the FIR records the time of death at 5.30am.'' Then Jalandhar SSP and now IGP, Satish K Sharma, denied the charge. ''It was a clean encounter. The RCMP is bringing this up because they botched their investigations and failed to get convictions,'' he said.

IN RECOGNITION OF THE BIRTHDAY OF SUL ROSS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. RODRIGUEZ. Madam Speaker, today on the 169th anniversary of his birth, I would like to recognize a Texas hero, Lawrence Sullivan "Sul" Ross. He was a Texas Ranger,

Civil War general, and 2-term Governor. He served and honored Texas with dedication and in doing so, he helped mold the State into what it is today.

Sul Ross was dedicated to expanding the Texas economy and improving the State's education. His tax reforms and anti-trust legislation led to one of the greatest surpluses in State history. Ross was also the first to create a tax system to pay for State public schools, which is the same system we presently employ.

After serving as Governor, Ross took over the failing Texas A&M and revolutionized the institution. Today, the university is on the leading edge of agricultural science, education and research, and its students still look to their beloved former president as an academic lucky charm.

Upon his death in 1898, the legislature honored Ross by appropriating money for a college in his honor. Sul Ross State University opened for classes in 1920 and has become an example of exceptional higher education in west Texas.

Ross' education legacy has been recognized across Texas and he has had several primary and secondary schools named in his honor. This includes Sul Ross Middle School in the award winning Northside School District in San Antonio, TX.

Influential and inspirational citizens, such as Sul Ross, should be remembered by all Americans. He is a reminder of how one person can affect change and make better their community and their State. For his achievements, I recognize Sul Ross on this day.

IN RECOGNITION OF ST. HERMAN'S HOUSE OF HOSPITALITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize St. Herman's House of Hospitality, on the occasion of their 30th anniversary, and to celebrate their dedication to serving Cleveland's most vulnerable citizens.

Since its founding on September 27, 2007, St. Herman's has been an oasis for the homeless of Cleveland, providing warm meals, clothing, shelter, and a welcoming and compassionate environment. As the homeless among us get pushed to shadows of our society, St. Herman's has reached out to them, heeding the Gospel imperative to clothe the naked and feed the hungry.

St. Herman's, a monastery of the Ukrainian Orthodox Church, provides shelter for hundreds of men a year and feeds thousands of people. When they cannot provide the services that their guests need, they direct them to people who can meet their needs.

Madam Speaker and colleagues, please join me in celebrating St. Herman's House of Hospitality. For 30 years St. Herman's has reaffirmed the basic dignity of all human beings in their service to the homeless. May we all follow St. Herman's example in our treatment of the most vulnerable citizens in our midst.

COMMENDING GLENN FRAZIER, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Glenn Frazier of Mobile, AL, for his courageous service during World War II. At just 17 years of age, Mr. Frazier signed up to join the peacetime Army in the summer of 1941.

Volunteering to serve in the Philippines, where he would be a world away from the battle raging in Europe, he was assigned to the 75th Ordinance Depot and Supply Company. When the Japanese attacked Pearl Harbor and the Philippines, Corporal Frazier and thousands of American and Filipino troops were forced to retreat to the Bataan Peninsula. In April, 1942, he was one of 78,000 American and Filipino troops captured and forced to march to a prison camp more than 60 miles away without food or water. Thousands of the prisoners died during the week-long march that became known as the Bataan Death March.

After surviving months of horrific conditions at Camp O'Donnell, Corporal Frazier was shipped to Japan and spent nearly 3 years in various prison camps. The army presumed him to be dead in the summer of 1944, and confirmed him to be dead in 1945. However, after the second atomic bomb was dropped, his prison camp was abandoned by the guards, and Corporal Frazier and his fellow POWs escaped to freedom.

His story, along with other Mobilians, is told in the Ken Burns' documentary series "The War." Madam Speaker, the recognition of Mr. Glenn Frazier in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Frazier and his selfless devotion to our country and the freedom we enjoy.

LACK OF ACCOUNTABILITY FOR IRAQ CONTRACTORS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. MORAN of Virginia. Madam Speaker, over the past four years, our troops in Iraq have been supplanted by another army of equal size—the contracting force. There are as many private contractors in Iraq as U.S. soldiers on the ground.

Outsourcing our military is cause for concern in and of itself. But the recent uncovering of indiscriminate hostility toward Iraqi civilians and unprovoked killings by security contractors in Iraq is a sirens warning that demands immediate attention.

Blackwater—a company that has reaped over $110 million since January 2006 in U.S. contracts—offers the most egregious example of what is wrong with our occupation of Iraq.

Last week, Blackwater security protecting State Department officials, opened fire in a Baghdad neighborhood. In what appears to be an unprovoked incident, Blackwater guards killed at least 11 innocent Iraqi civilians and wounded 12 others.

But because of a decree delivered in 2004 by former Ambassador Paul Bremer—on his last day on the job—these contractors are granted immunity from Iraqi law and will likely face no charges at home.

The lack of accountability is anathema to our fundamental principle of justice and exemplifies why the occupation of Iraq is a failure.

Congress must not be silent less we become complicit in these acts. The longer we stay in Iraq under the terms of the current occupation the more these incidents which undermine our international credibility will occur.

COMMEMORATING THE FIFTIETH ANNIVERSARY OF KANSAS CITY'S KCUR RADIO STATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CLEAVER. Madam Speaker, I rise today in recognition and to commemorate one of Kansas City's premier radio stations 89.3 FM, KCUR Radio. Based at and operating from the University of Missouri—Kansas City campus, KCUR is celebrating its golden anniversary on October 21, 1957. I know that Congressman DENNIS MOORE of Kansas joins me in my well-wishes for KCUR as it has served the whole Kansas City community, on both sides of the state line 50 years of continuous service.

At home, KCUR entertains, enlightens, and informs the Greater Kansas City metropolitan area. But more than that, quite simply, this radio station enhances the quality of life for Kansas Citians and all listeners by broadcasting over radio waves and the internet noncommercial radio programming 24 hours a day, including 20 hours of news each weekday, through its charter membership as a National Public Radio station. Continually, 89.3 FM is recognized for groundbreaking features and extensive coverage of politics, the arts, health, and minority matters. KCUR's original broadcasts and programs have captured the hearts and minds of listeners and learners nationwide.

This heartland station has grown from a station with two full-time employees and a signal range of four miles, to 23 full-time broadcast professionals and 17 part-time employees with a signal reaching a 90-mile radius covering northwestern Missouri and northeastern Kansas. Today, KCUR is broadcasting with a power of 100,000 watts to over 150,000 listeners all due largely through the efforts of its 200 tireless volunteers.

KCUR began broadcasting October 21, 1957 from the third floor of Scofield Hall with a signal range of 4 miles, 2 full-time employees and a budget of $15,000 from the University. It was the first university licensed educational FM station in Missouri and the second FM in Kansas City.

In the Spring of 1956, C.J. Stevens, then Director of Radio and TV at the University of Kansas City, submitted a budget request to establish and operate an educational FM broadcast station, and he was turned down.

However, Stevens and Sam Scott decided to raise money outside the university. A modest fundraising campaign was undertaken and a separate FM fund was established. KCUR–FM was in its conception and continues to be a community station.

In 1970, KCUR was awarded a grant of $7,500 from the Corporation for Public Broadcasting for Community Service. National Public Radio broadcasts began the next year with KCUR as a charter member.

After Sam Scott retired in 1986, the station was without a General Manager for a year while Jim Costin, UMKC Associate Vice Chancellor oversaw the station. Patricia Cahill, a former KCUR reporter in the early 1970s, was hired in 1987 as General Manager, and she holds the position today.

In the 1960s, the Kansas City Times stated, ''In the community, (KCUR) it is a source of education, culture and pleasure.'' And those words still ring true today. I certainly know this firsthand. It is my radio station of choice, and this fact was never so clear, as well as my bias towards it, as when I had my daily radio show, Under the Clock, broadcast on its airwaves. Innovative programs, local heavy weights, and our community are their programming.

Madam Speaker, I rise today with the gentleman from Kansas, Congressman DENNIS MOORE, and we are proud to share with you and the membership of this House our heartfelt congratulations and appreciation for KCUR's many outstanding benefits to our community, as we approach the 50th anniversary of this treasure in our community.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to express my strong support for the State Children's Health Insurance Program Reauthorization Act to provide health care coverage for an additional 3.8 million children.

The Children's Health Insurance Program (CHIP) plays an important role in providing quality, cost-effective health care coverage for millions of lower-income children around the country. It costs less than $3.50 a day to provide health care for a child through CHIP. This small investment keeps kids and families healthy and saves money in the long-run. However, without action from Congress, the law authorizing funding for this important program will expire at the end of September. For this reason, it is essential for Congress and the President to put politics aside to renew this critical, bi-partisan program.

This legislation reauthorizes CHIP and includes an additional $35 billion for children's health care. This funding is to enroll children throughout our nation who are eligible, but not currently enrolled in CHIP or Medicaid, and to improve the benefits available by adding a guaranteed dental benefit for all children enrolled in CHIP and parity for mental health coverage.

Investing in our children's health care must be a priority for Congress. All Americans—Republicans, Democrats, and Independents—should be able to agree that our children deserve access to quality health care. It is morally right, it is the right thing for our economy and in the richest country in the world—it is possible. I urge my colleagues to join me in voting for this important bill.

INTRODUCTION OF THE INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CONYERS. Madam Speaker, I rise today to introduce the Internet Tax Freedom Act Amendments Act of 2007. This bipartisan legislation will amend the Internet Tax Freedom Act (ITFA) to extend the moratorium on certain taxes relating to the Internet and to electronic commerce and to address growing concerns as innovation occurs.

I am pleased to say that working together, we have come to an agreement on a definition of Internet access that is clear, precise, and on target. It says that Internet access is a service that enables a user to connect to the Internet. This definition would include incidental services like e-mail and would maintain a lot of the telecommunications language—even going so far as to clarify it—from the last extension of the moratorium in 2004. This definition would further make it explicit that just because a service uses the Internet does not mean that that service had become part of the moratorium.

LENGTH OF THE EXTENSION

This Act would extend the moratorium for 4 years, to run until November 1, 2011. The 4-year extension will allow Congress to make any adjustments to the moratorium if necessary. It will also allow companies a sufficient amount of time to plan their investments, while also giving consumers tax free access to the Internet. Congress has made important adjustments on each previous occasion that we extended the moratorium, in 2001, and again in 2004.

GRANDFATHERING

This Act would extend for 4 years, the grandfather provisions which have preserved those Internet access taxes that were imposed prior to 1998. This is consistent with past extensions.

This Act also phases out those states that claim to be grandfathered as a result of the Internet Tax Nondiscrimination Act of 2004. The 2004 Act provided for an amended definition of Internet access and resulted in assertions and public rulings made by many states requiring the collection of tax on sales of telecommunications to an Internet service provider to provide Internet access. This is because those states have interpreted the 2004 definition of ''Internet access'' to broaden the scope of the 1998 grandfather clause to permit taxation on the sales of telecommunications to an Internet service provider to provide Internet access. This Act resolves this problem by allowing those states that have issued public rulings before July 1, 2007 that are inconsistent with the foregoing rules to be held harmless until November 1, 2007.

GROSS RECEIPTS TAX ISSUES IN CERTAIN STATES

A small group of states have recently enacted taxes that apply to almost all large businesses in the state—including Internet access providers. The new gross receipts taxes in these states serve as general business taxes and either substitute for or supplement the corporate income tax currently in place in those states, whereas in all other states, corporate income taxes serve as the general business tax.

The problem is that the originally enacted and further amended Internet Tax Freedom Act (ITFA) contains an explicit protection for corporate income taxes imposed on Internet access providers, but not for gross receipts taxes. Thus, these select states would suffer a disproportionate loss because while the other states with corporate profits taxes are explicitly allowed to impose them on profits that they gain by providing Internet access services, there is no similar protection in ITFA for the type of general business taxes that are levied by the select states, because they are being levied on gross revenues or receipts, and are not covered in ITFA.

The result is that an Internet access provider could potentially decide not to pay the tax on its receipts attributable to providing Internet access service in those select states. Thus, if the provider companies decided to stop paying on its access service, the wording of ITFA suggests that a court would likely support their position that these gross receipts are not taxable—and the states would lose out on millions in revenues.

This Act resolves this dilemma by creating an exemption for states that have enacted laws that would structure their gross receipts taxes in such a way as to be a substitute for state corporate income taxes that are not taxes on Internet access. To be exempt the state law must have been enacted between June 30, 2005 and November 1, 2007, and must impose such taxes on at least 80 percent of business enterprises engaged in business in the state without regard to (a) the form of organization; (b) business activity in which such enterprise is engaged; (c) minimum filing thresholds; or (d) whether such business actually incurs a filing and payment obligation.

DEFINITION OF ''INTERNET ACCESS''

After close examination of the many concerns with the definition of ''Internet access'' in current law, we have agreed on a precise definition of ''Internet access''. The proposed definition will accomplish the following:

1. Prevent all tax-exempt content bundling by redefining Internet access as the service of providing a connection to the Internet, with closely-related Internet communications services such as e-mail and instant messaging;

2. Amend the definition of ''telecommunications'' to include unregulated/non-utility telecommunications (such as cable service); and

3. Remove the current exception for taxing Voice over Internet Protocol (VoIP), so that states and localities will be free to tax these services.

I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

COMMENDING MAURICE BELL, OF MOBILE, ALABAMA, FOR HIS SERVICE ABOARD THE USS ''INDIANAPOLIS'' IN WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Maurice Bell of Mobile, Alabama, for his courageous service as a sailor aboard the USS *Indianapolis* during World War II.

Mr. Bell, along with 320 others, was pulled from the South Pacific following the sinking of the *Indianapolis*, a heavy cruiser brought down by torpedo attack on July 30, 1945. In what was later recognized as the worst single at-sea loss of life in the history of the Navy, Mr. Bell watched his fellow survivors succumb to shark attacks, exposure, and dementia while waiting five nights for rescue. It is estimated that 500–600 sailors died in the water while awaiting rescue.

Mr. Bell, one of 80 remaining *Indianapolis* survivors, tells the story of the *Indianapolis* in Ken Burns' documentary series ''The War.'' The USS *Indianapolis* was no ordinary ship, and it was on no ordinary mission. The ship carried the first atomic bomb to the U.S. air base at Tinian Island. Having successfully delivered its precious cargo, the *Indianapolis* set out for home. Tragically, a pair of torpedo blasts from a Japanese submarine sunk the cruiser and left its crew to struggle for survival in the South Pacific.

Madam Speaker, the recognition of Mr. Maurice Bell in Ken Burns' documentary series ''The War'' is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Bell and his selfless devotion to our country and the freedom we enjoy.

ANOTHER POLICE MURDER BY POLICE IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, on September 22, the Tribune newspaper of Chandigarh reported that a Sikh woman by the name of Lakhbir Kaur held a press conference to expose the murder of her brother, Kinder Singh, by the Indian police. Kinder Singh was an innocent truck driver. He was killed in one of the fake encounters that continue to plague Punjab and other minority areas of India. Kinder Singh was just 20 years old when ''the world's largest democracy'' snuffed out his life.

Apparently, Kinder Singh was a victim of India's policy of paying bounties to police officers for killing ''militants.'' When he was killed, the police claimed that they had killed a man named Jaspal Singh, who had a bounty of Rs. 5 lakh, 500,000 rupees, or about $13,000, on his head. In a country where two-thirds of the populace lives on 40 cents per day, $13,000 is a massive amount of money.

Jaspal Singh. the person who was allegedly killed in the encounter, sat right next to Ms. Kaur during her announcement. He is not the first person to have been proclaimed dead by the Indian government who has turned up alive. Several years ago, the New York Post reported on another man who had to sue the government to have himself declared alive. This is not uncommon in India.

Also there was Colonel G.S. Sandhu of the Majha Ex-Servicemen Human Rights Front. He detailed how Kinder Singh was pulled out of his truck by the police and killed for no apparent reason except to collect the bounty. This is one of over 41,000 cash bounties that our State Department says the Indian Government paid to police for killing Sikhs. One policeman got a cash bounty for killing a three-year-old boy.

Colonel Sandhu demanded that a retired High Court judge conduct a probe into the massive atrocities of the police. He has set up a hotline to report terrorist incidents. We salute Lakhbir Kaur for her courage and we salute Colonel Sandhu for his efforts. I second his call for an impartial probe of the atrocities committed in Punjab.

Unfortunately, the repression is ongoing. Even today, people get arrested for acts such as marching, making speeches, and raising a flag. We cannot accept this, Madam Speaker. We need to stop providing financial support for the Indian regime by stopping our aid and trade, and we need to put the U.S. Congress on record in support of self-determination for the Sikhs of Khalistan, the Christians of Nagalim, the Muslims of Kashmir, and all the oppressed minorities of South Asia. Until the people have their freedom and self-determination, atrocities like the one that happened to Lakhbir Kaur's family will sadly continue.

I would like to place the Tribune article on Lakhbir Kaur into the RECORD at this time.

MISTAKEN IDENTITY OR FAKE ENCOUNTER?

Amritsar, September 21, 2007: In what could be yet another case of mistaken identity or a planned fake encounter, the sister of a victim here today claimed that the actual ''militant'' the police claimed to have killed was still alive.

Lakhbir Kaur alleged that the police killed her brother, Kinder Singh, who was an innocent truck driver, on August 13, 1993, for no reason. Interestingly, Jaspal Singh, who had an award of Rs 5 lakh on his head and was shown killed in police files, was still alive. He was present with Lakhbir Kaur here today.

Addressing a press conference, Col G.S. Sandhu, chairman of the Majha ExServicemen Human Rights Front & NGO Aapna Punjab, demanded a probe by a retired high court judge to bring out the truth of fake encounters so that compensation could be given to the families of the victims.

''Kinder Singh of Nagoke (20) was pulled out of a truck in Shivpuri, Madhya Pradesh, and shot dead. The story planted was that militant Jaspal Singh of Nangli, carrying a reward of Rs 5 lakh, was shot in a police encounter. Kunan Singh, father of Kinder Singh, sold his 3 acres of land and shifted to UP and the family is now living in abject poverty,'' said Colonel Sandhu.

''Already, leaks from police sources suggest that Kinder Singh and Sukhpal Singh of Kala Afghana were killed as a result of mistaken identity as no reward money was claimed and the records being old have been destroyed as per laid down rules and now it is difficult to pinpoint responsibility at this stage. The issue is why the families of the two victims were not informed about their deaths,'' he questioned.

Colonel Sandhu demanded ''the state should not shy away from admitting past mistakes, render apology, provide compensation and bring the guilty to the book.'' He also sought downsizing of the top-heavy police in Punjab. He has also started a terror help line in Tarn Taran.

IN REMEMBRANCE OF JOSEPHINE B. GRENDELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life of Josephine B. Grendell, whose selflessness and tireless devotion to her family made her a role model for other mothers.

Josephine was the wife of the late Edward J. Grendell and the mother of Dr. James H. Grendell, as well as Ohio State Representative Timothy J. Grendell. She was the grandmother of Kate, Mary Jeannette, Patricia, Michael and James and the great-grandmother of Patrick Joseph.

Also known as ''Mrs. G'' or ''Aunt Jo,'' Josephine truly was a special lady. She embraced everyone she encountered with love and joy. She was always energetic and smiling.

Madam Speaker and colleagues, please join me in remembering Josephine Grendell, a woman whose warmth and kindness were an inspiration to all who knew her.

TRIBUTE TO THE STERLING HEIGHTS FIREFIGHTERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. LEVIN. Madam Speaker, on Friday, September 28, 2007 the Sterling Heights' Fire Fighters Union will host their Annual, Dinner-Dance, honoring Sterling Heights firefighters for their dedication to their community and recognizing their numerous contributions to the city.

They will also pay tribute to the career of one retiring firefighter, Patrick O'Lear. I rise today to ask my colleagues to join me in recognizing the tireless and courageous career of a good friend and public servant. Patrick O'Lear retires this year with twenty-one years of dedicated service, having been promoted three times in his career from lieutenant on August 16, 1997, to Captain on January 11, 2003, and to Fire Inspector on May 21, 2003.

Mr. O'Lear was appointed as a Sterling Heights firefighter on September 8, 1986. After graduating from St. Clement High School in Center Line in 1977, he obtained his Bachelor of Arts in Psychology from Mercy College in 1982. In December 1991, Mr. O'Lear received his Masters in Science Administration from Central Michigan. In 1989, he was temporarily assigned to the training division and in the same year was immediately recognized as the Employee of the Month. Mr. O'Lear became a Fire Equipment Operator on September 6, 1993.

In 1994, Mr. O'Lear received the Meritorious Unit Citation for a CPR run at Jefferson Elementary. He received Fire Chief Awards for the many training programs presented to the Sterling Heights Fire Department and for the Residence Assistance Program. He has served as a member of the local Safety Committee for nine years and a member of the Apparatus Committee. Mr. O'Lear also became nationally certified as a Fire Explosion Instructor.

Mr. O'Lear has also worked to represent and improve the employment for other firefighters through his service at the local, state and federal levels. He has served as the Secretary and President of the local union, as the State Representative of the International Association of Firefighters and as the 6th District Vice President.

Madam Speaker, I have been pleased to work with Pat over the years in many community service endeavors and have witnessed the tireless and compassionate devotion of Pat and his wife Joan to the individuals and families around them. I ask my colleagues to join me in recognizing Patrick O'Lear, a good friend who has dedicated himself to the community with valor, commitment and honor.

COMMENDING THOMAS GALLOWAY OF MOBILE, ALABAMA, FOR HIS SERVICE IN THE SECOND WORLD WAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, I rise today to recognize Mr. Thomas Galloway of Mobile, Alabama, for his service in the United States Army during World War II. Serving as a lieutenant in the European Theater of Operations in the winter of 1944, Mr. Galloway fought bravely in some of the toughest and most brutal battles of the war, including the Battle of the Bulge and the Huertgen Forest.

In his career as a soldier, Mr. Galloway was captured twice, and he escaped twice. Escaping as part of an attempted rescue of Gen. Patton's son-in-law, he was captured and returned to the prisoner-of-war camp in Hammelburg, Germany. Later that spring, Mr. Galloway escaped while on a march toward Austria, eventually making it back behind American lines.

Upon returning home from the war, Mr. Galloway graduated from Auburn University and the University of Alabama School of Law and began a successful law career. He served as assistant attorney general for the state of Alabama and assistant district attorney for Alabama's thirteenth judicial circuit. He is now a member of Galloway, Wettermark, Everest, Rutens & Gaillard, LLP of Mobile.

Madam Speaker, the recognition of Mr. Thomas Galloway in Ken Burns' documentary series ''The War'' is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Galloway and his selfless devotion to our country and the freedom we enjoy.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to honor the 47th Anniversary of the Republic of Cyprus. It was on October 1, 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am honored to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. I truly enjoy participating in the life of this community and treasure the wonderful and vital Cypriot friends that I have come to know.

As a member of the European Union, Cyprus is playing a vital role in European affairs while also strengthening relations with the United States. Unfortunately, the commemoration of Cyprus' Independence Day this year, as in the past, is clouded by the fact that Turkish military forces continue illegally to occupy Cyprus, in violation of UN Security Council resolutions. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 40,000 heavily armed troops on the island.

I have introduced legislation, H. Res. 407, which expresses the strong support of the House of Representatives for the positive actions by the Government of the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island. On March 8, 2007, the Government of the Republic of Cyprus demolished a wall at Ledra Street in Nicosia, a key thoroughfare through the divided capital, as a gesture to facilitate the opening of Ledra Street as a crossing point. Two months later, the Government demolished a National Guard post at Kato Pyrgos. I commend the Government of the Republic of Cyprus for taking these actions, and I continue to believe that it is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation. I remain hopeful that an end to this division will be achieved.

I believe that the United States must play an active role in the resolution of the serious issues facing Cyprus. Cyprus and the United States share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law. The relationship between Cyprus and the United States is strong and enduring, and we stand together celebrating democracy and freedom.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. STUPAK. Madam Speaker, I could not be present for votes on Monday, September 24, 2007 due to commitments in my district. As a result, I missed 4 rollcall votes.

I would like to enter into the record that if I had been present on September 24, I would have voted yes on H. Con. Res. 193, which would recognize U.S. hunters for their commitment to safety. As a sportsman myself, I appreciate hunters' commitment to safety and support their continued dedication to safe and responsible hunting.

I would have voted yes on H. Res. 668, which would recognize the 50th anniversary of the desegregation of Central High School in Little Rock, Arkansas by the Little Rock Nine.

I would have voted yes on H.R. 1199, which would extend grant programs for drug endangered children.

I also would have voted yes on H. Res. 340, which would emphasize the importance of providing a voice for the victims of missing persons cases.

ON THE PASSING OF MR. BILL WIRTZ

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HASTERT. Madam Speaker, I rise today to honor the late William W. Wirtz. Bill was a kind and charitable man, who generously gave back to the people of Illinois throughout his life.

Over 40 years, Bill was the President of the Chicago Blackhawks and chairman of the Wirtz Beverage Group, which operated in Illinois and the surrounding States.

Bill also served as chairman of the Board of Governors of the National Hockey League for 18 years and was responsible for negotiating the merger between the NHL and the World Hockey Association in the late 1970's as well as the expansion of the league. No one did more for hockey on both the professional and amateur levels than Bill. He served on both the 1980 and 1984 Winter Olympic Committees. For his efforts on both the professional and amateur levels, Bill was inducted into the Hockey Hall of Fame in 1976, was the recipient of the Lester Patrick Trophy in 1978 and was inducted into the U.S. Hockey Hall of Fame in 1985.

Under the guidance of Bill, Chicago Blackhawk Charities was established in 1993. Since that time, Blackhawk Charities has donated over $7.5 million to worthy causes in the Chicagoland area such as Boys and Girls Clubs, Cathedral Shelter, Miseracordia Homes, the Rehabilitation Institute of Chicago, the Chicago Blackhawk Alumni Association, and the Amateur Hockey Association of Illinois, AHAI. Bill also donated both the Chicago Stadium and the United Center to host the Blackhawk Cup, the annual High School Boys and Girls State Championship Game, over the past 20 years.

I would like to extend my most heartfelt condolences to Bill's wife Alice, his children Rocky, Gail, Karey, Peter and Alyson, and his seven grandchildren. Bill will always be remembered for his charity and goodwill towards the people of Chicago.

COMMENDING EUGENE SLEDGE, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize the late Dr. Eugene Sledge of Mobile, Alabama, for his courageous service during World War II.

After graduating from Mobile's Murphy High School, he entered Marion Military Institute to study to become an officer. However, as just a freshman, he signed on as a private in the Marines in order not to miss an opportunity at combat.

Private First Class Sledge was assigned to the 1st Marine Division. He trained as a mortarman and fought on Peleliu in September of 1944 and on Okinawa in the spring of 1945. Throughout these months, he kept a journal of his impressions of the fighting, keeping the notes between the pages of his Bible. These notes later became his memoir, With the Old Breed at Peleliu and Okinawa, which he published in 1981. Ken Burns, who recently produced the PBS documentary series "The War," relied heavily on this memoir. His memoir will also form the basis for the HBO series "The Pacific," the successor to "Band of Brothers."

At the end of the war, Corporal Sledge returned to Alabama where he earned both a bachelor of science and a master of science from Alabama Polytechnic Institute, now Auburn University. He earned his doctorate at the University of Florida and became assistant professor of biology at Alabama College, now the University of Montevallo. In 1970, Dr. Sledge was named a professor in the Department of Biology at the University of Montevallo, a position he held until his retirement in 1990.

Dr. Sledge passed away in 2001 before his second memoir, China Marine: An Infantryman's Life after World War II, was published.

Madam Speaker, the recognition of Dr. Eugene Sledge in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. His life and actions personified the very best America has to offer. I urge my colleagues to take a moment to pay tribute to the life of Dr. Sledge and his selfless devotion to our country and the freedom we enjoy. I also extend my thanks to his family for sharing the story of his courageous life with all of us.

OTHER MINORITIES SUFFER MAJOR PERSECUTION AS WELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, recently, Dr. Awatar Singh Sekhon, Chairman of the Sikh Educational Trust and Managing Editor of the international Journal of Sikh Affairs, wrote to President Bush. He noted that "Sikhs live in peace and harmony in every democracy in the world; India is the only exception."

In his excellent letter, Dr. Sekhon outlines the tyranny and abuse the Sikhs have been subjected to in India. While India talks and talks about being "the world's largest democracy," it continues to commit atrocities against the Sikhs, Christians, Muslims, and other minorities. Madam Speaker, the essence of democracy is self-determination.

As if the murders of 250,000 Sikhs by the Indian government (the number comes from the Punjab State Magistracy and human-rights groups) wasn't enough, Sikhs from outside India must get the formal permission of the Indian government to visit the Golden Temple in Amritsar, the seat of Sikhism, equivalent to the Vatican of the Sikhs. Suppose that Catholics were barred from Vatican City without permission of the Italian government. Do you think the world would be up in arms about that? Yet, the equivalent condition is imposed upon the Sikhs and nobody says a word. That is how deeply India's propaganda about being "the world's largest democracy" has permeated the world's perceptions, thanks to massive amounts of money spent to propagate this viewpoint through lobbying and media manipulation. It is time to wake up. Madam Speaker. It is time to call India on the carpet for its persecution of minorities.

If the tyranny against the Sikhs were all that India was doing, that would be bad enough. But it is compounded by the persecution of Christians and Muslims, as well as other minorities such as Assamese, Bodos, Dalits, Manipuris, Tamils, and others.

In Gujarat, 2,000 to 5,000 Muslims were killed in riots that a policeman told the newspapers were planned and organized by the Indian government. It has killed over 90,000 Muslims in Kashmir while refusing to give the Kashmiris self-determination via a free and fair plebiscite on their status, as India promised the United Nations in 1948.

Christians have been prime targets of Indian persecution. Churches have been burned. Nuns have been raped and forced to drink their own urine, to the cheers of militant Hindu organizations such as the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), which produced a booklet on how to implicate Christians and other minorities in false criminal cases. Priests have been murdered, schools and prayer halls have been vandalized, and more than 300,000 Christians have been killed in Nagaland at the hands of the Indian government. Missionary Graham Staines was killed by a mob of Hindu militants along with his eight-year-old son. The killers poured gasoline over their jeep, set it on fire, and chanted "Victory to Hannuman." Missionary Joseph Cooper, an American, was expelled from the country after he was beaten up so badly that he had to spend a week in an Indian hospital. A Christian religious festival on the theme "Jesus is the Answer" was broken up by police gunfire after people there distributed religious literature.

In several Indian states, there are laws prohibiting anyone from converting to any religion but Hinduism.

Madam Speaker, this is unacceptable. We must support the rights of these minorities by stopping American aid to India and stopping our trade with India as well. It's clearly not benefitting the Indian people. Two thirds of the population lives on less than half a dollar a day. We must also demand a free and fair vote on independence for the Sikhs of Khalistan, the Christians of Nagalim, the Muslims of Kashmir, and all the various peoples seeking their freedom from India.

Madam Speaker, I would like to add Dr. Sekhon's excellent letter to the RECORD at this time.

THE SIKH EDUCATIONAL TRUST,

Edmonton, Alberta, Canada, July 30, 2007.

Re: violation of religious and political rights of Sikhs in India.

Hon. GEORGE W. BUSH,

President, United States of America, The White House, Washington, DC.

HONOURABLE PRESIDENT, I am writing this letter to seek your intervention in the religious affairs of the Sikhs, especially the Diaspora Sikhs in North America, Europe and other continents.

The Sikhs live in peace and harmony in every democracy in the world; India is the only exception. In fact, the Sikhs are treated as slaves even in the Punjab, which is the holy and historic homeland of the Sikhs. This is because the ruling class consists of Brahmins—who are only 4 percent of the population along with 10–11 percent of Hindus of other castes. Although a majority in the Punjab, the Sikhs are 2.5 percent of the huge population of India that is approximately 1.1 billion. It is because of the denial of the right of self-determination in our land that India is able to marginalized the Sikhs as a small minority. The Hindu-Brahmin rulers have pursued their anti-human agenda: (i) practice of unsociability against the native majority who are 65 percent of the population, and (ii) persecution of mono-theistic faiths—the Sikhs, the Christians and the Muslims, by maintaining an environment of fear and of crushing poverty.

In June 1984, even the facade of Secular Tolerance was discarded when the Indian Army assaulted the holiest shrine of the Sikhs—the Darbar Sahib (also known as the Golden Temple) including the Supreme Seat of Sikh Polity, the Akal Takht Sahib, killing tens of thousands of devotees inside the temple. The Indian administration has ever since maintained heavy presence of its intelligence and armed personnel in the state. No Sikh from outside India can visit his/her holy place and the seat of Sikhs' polity without having a formal 'visa' endorsement in their passport from the Indian Embassy or Consulate. Mr President, this constitutes a violation of the Sikhs' religious rights. Pilgrimage to pay respect to Gurus is a right that should not depend on the caprice of a government. It certainly should not depend on the goodwill of a state that has not just failed to protect but has actually been an instrument of our persecution and destruction of our holy sites by wanton bombardment.

Mr. President, India is interfering in my religious affairs. As a free citizen of a free country. I cannot approve of the way the Sikhs are treated in India; I cannot condone the assault of the Indian Army on Darbar Sahib in June 1984; I cannot support that the Sikhs relinquish their right to self-determination. I am required to do all this in order to get a visa. And if I did any of these things, I would not be a Sikh. That means, in order to get an Indian visa, I am required to renounce my faith. That cannot be acceptable.

Mr. President, no Roman Catholic needs a visa to visit the Vatican, no Jew is prevented from visiting Jerusalem, a visa cannot be denied to a Muslim to go to Mecca, why do the Sikhs need to have India's Hindu/Brahmins (neither a religion nor a culture), permission to visit their holiest shrine? Indian administration's control of the Sikhs' shrines constitutes an intervention into their religious affairs. That's why, Honourable President, none of the elected representatives of the Sikhs accepted/initiated/endorsed the Indian Constitution of 1950. Under Article 25 of that Constitution, the Sikh faith and national

identity was 'de-recognized'. The Sikhs were constitutionally 'exterminated'. Because of this blatant injustice, the Sikhs, elected representatives—Sardar Hukam Singh, MP; Sardar Bhupinder Singh Maan, MP; and Sirdar Kapur Singh, ICS, MP, MLA and National Professor of Sikhism—'Rejected' the Indian Constitution of 1950 and its Article 25, in its draft and final forms, every time it was put to vote in the Indian parliament—in 1948, on 26th November, 1949, in 1950 and on 6th September, 1966.

Honourable President, the question is why we, the Sikh citizens of the United States and Canada, of Europe, Far East, and other continents should need a 'Visa' or the permission of the predominantly Hindu-Brahmin administration. Especially after the June, 1984 assault on Darbar Sahib Complex—which is the Sikh Vatican—and an 'undeclared' war on the Sikhs ever since. This undeclared war has taken a heavy toll. The ''Operation Bluestar'' of June, 1984 was blessed by the government of a so-called 'democratic' state. The desecration of their holy places and wanton massacre of the Sikhs was carried out for no reason other than their demanding the right of self-determination honouring the pledges made to the Sikhs by Mahatma Gandhi and Prime Minister Jawahar Lal Nehru. More than 250,000 innocent Sikh (majority of whom were infants, children, youth, females and the elderly have been killed by Indian security forces. This is the hallmark of a fascist oligarchy, not a democracy.

In recent months, the arrests of Simranjit Singh Mann, Chief of Akali Dal Amritsar, Mann's vice president, Daljit Singh Dittu and the arrest warrants of an Editor and academic, Dr Sukhpreet Singh Udhoke, provide further evidence that repression of the Sikhs continues even in the Sikh majority state of the Punjab, the administration of which is headed by a Sikh, Prakash Badal. The former two are being tried, along with 30 other Sikhs, on charges of 'treason'. Treason against who? How does the Indian Constitution apply to the Sikhs when the Sikhs' elected representatives 'rejected' it repeatedly?

Mr. President, there is great anxiety among the Sikhs in Diaspora over the denial of their religious and political rights and repression of dissent. If India is not restrained by the international community and its leader—the USA—peace and security in the whole region would be undermined. In retrospect and historically, India was never a country; it was an empire (the British Empire). In its belly there are many peoples with legitimate right to self-determination—in Kashmir (mainly Muslim) in the Punjab (mainly Sikhs) in the states of Assam (mainly Christian) who are not a part of the Indian nation. The issues relating to the native majority—the children of lesser gods—encompass a huge section of humanity, as many as 700 million people. All this cannot be swept under the carpet or buried under slogans like 'India Shining'. The Sikhs want their own sovereign state—as they had been (1799 to 14th March, 1849, under a Sikh monarch Ranjit Singh) before the British take over, as an ''annexed'' state, of the Punjab in 1849. Until then, we want unrestricted access to our holy places. No Sikh should need a visa to go to the Punjab. And peaceful dissent should not just be tolerated; it should be respected and honoured. Is dissent not the hall mark of democracy?

I shall look forward to hearing from you.

With regards,

Respectfully submitted,

AWATAR SINGH SEKHON.

TRIBUTE TO THE 100TH ANNIVERSARY OF GILLESPIE AVENUE BAPTIST CHURCH

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. DUNCAN. Madam Speaker, I rise today to commemorate the 100th Anniversary of Gillespie Avenue Baptist Church in Knoxville, Tennessee.

Gillespie Avenue Baptist Church was established on August 4, 1907. The church's first meeting was held in a tent at the site where the church is today. Reverend F.M. Doewell was the first pastor called in September, 1907. He was one of only 15 pastors called to serve over this first 100 years.

On July 1, 1910, the membership began worship services in the basement of the new meeting house with Dr. M.D. Jeffries, President of Carson Newman College, preaching the first sermon in the new building.

On May 7, 1916, the church auditorium was completed and dedicated and a piano was approved and purchased later that same year for the church.

On January 7, 1917, the church voted to borrow money to pay the pastor's salary. The finance report at that time showed a balance of $.16. Eight years later, the enrollment was 426 with an average attendance of 263 and the average Sunday offering was $65.89.

On October 12, 1938, Mr. and Mrs. Frank Rose donated a pipe organ to the church in honor of their parents.

The original church building was destroyed by fire on January 22, 1961. Services were held in the new sanctuary on September 2, 1962, where they remain today.

I am proud to have such an outstanding Christian institution in my district.

Madam Speaker, I would like to recognize Gillespie Avenue Baptist Church on its 100th anniversary and may God bless this congregation in the years to come.

OHIO WILLOW WOOD CELEBRATES 100 YEARS OF HELPING THE ORTHOTIC AND PROSTHETIC INDUSTRY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HOBSON. Madam Speaker, I rise today to commemorate the 100th anniversary of the founding of Ohio Willow Wood, a leader in the prosthetic and orthotic industry. Over the years, the family-owned company based in Mt. Sterling, Ohio, has provided products to help amputees live full and active lifestyles.

In 1907, Ohio Willow Wood was founded by William E. Arbogast, who personally experienced the challenges of living as an amputee from injuries he suffered in a railroad accident. His experience with poorly-fitting, uncomfortable and unreliable prosthetic products inspired him to establish Ohio Willow Wood.

Over the next century, the company that started out making it easier for prosthetists to obtain quality materials for their patients, became a global leader in designing and manufacturing lower limb prosthetic components. Through innovative research and development, the company has been responsible for several breakthroughs in the prosthetic industry. These include the first American-made ''solid ankle, cushion heel'' (SACH) foot, and the Alpha Liner, which is the first fabric-covered, gel interface system that improves the comfort and protection for prosthetic users. Ohio Willow Wood is also involved in research and development of new products and technology for the U.S. Army to use in its treatment of victims of lower extremity loss.

In addition to designing and manufacturing prosthetic products, Ohio Willow Wood develops Computer Aided Design (CAD) software and equipment for the orthotic and prosthetic community. The company also has global distribution partners and direct offices in Germany, Sweden, and the Netherlands.

While many aspects of Ohio Willow Wood have evolved and changed over the past 100 years, the company's commitment to the orthotic and prosthetic industry remains constant. Today, third and fourth generations of the Arbogast family are active in the daily operations of Ohio Willow Wood, standing by its promise to free the bodies and spirits of amputees.

Madam Speaker, I commend all of the employees at Ohio Willow Wood for reaching this milestone, and I wish them continued success in the years to come.

H.R. 2900, THE FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. FERGUSON. Madam Speaker, I rise today to express my strong support for the passage of the Food and Drug Administration Amendments Act of 2007 (FDAAA). This critical piece of legislation reauthorizes the Prescription Drug User Fee Act (PDUFA) and provides the Food and Drug Administration (FDA) with additional resources to further promote and protect the public health. The FDAAA reinforces and expands FDA's comprehensive authority in all aspects of drug regulation—including with respect to drug safety and labeling—and takes the nation's drug safety system, which is already the most rigorous, and makes it even stronger. I commend my colleagues and their dedicated staff on both sides of the aisle who worked tirelessly to ensure that this bill was completed in a bipartisan manner before the September 30, 2007 expiration of the existing PDUFA program.

The funds from PDUFA are used to allow FDA to hire additional staff to perform its critical drug review functions while maintaining the same exacting standards for safety and efficacy. Additional funding provided as part of FDAAA will allow the FDA to expand drug safety monitoring, hire additional staff for post-market surveillance, and modernize its information technology systems. Expanded resources will also enable FDA to hire additional employees to review broadcast drug advertisements prior to public dissemination, helping to ensure that benefits and risks of prescription drug products are clearly and accurately communicated to the public. The legislation creates strong incentives for companies to submit

such advertisements to the FDA before they are aired.

In passing the FDAAA, Congress also reauthorizes the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), both of which were set to expire on September 30. Since its original passage, the BPCA has done more than any other initiative to generate vital information about the use of medicines in pediatric populations and to promote research on the use of pharmaceutical products in children. The BPCA and PREA were designed to work in tandem to promote and support pediatric research. Therefore, it is critical that these two programs remain linked, as they are in the FDAAA.

Since its original enactment in 1992, PDUFA has been a resounding success. It has enabled the timely review of new medicines while at the same time preserving FDA's strict and objective review process. As a result, more than 1,000 new medicines have been made available to patients over the past 15 years. These medicines have helped millions of people lead healthier, more productive lives, and contributed to a longer life expectancy than ever before. By reauthorizing PDUFA and passing the drug safety enhancements contained in the FDAAA, Congress has helped to ensure FDA's continued role as the authority on drug safety and drug regulation.

COMMENDING HERNDON INGE, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Judge Herndon Inge of Mobile, Alabama, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in the Ken Burns' documentary series ''The War.''

Judge Inge attended the University of Alabama and then the Army's officer candidate school. He was commissioned January 7, 1944, and became a 2nd lieutenant in company D, 301st Regiment, 94th Infantry Division, in a heavy weapons unit.

Arriving in France in September of 1944, he and his division contained 60,000 German troops along the French coast at St. Lazaire and Lorient. Following the sinking of the USS *Leopoldville* when hundreds of American soldiers were killed, Lt. Inge was sent into the Battle of the Bulge. He was captured by German troops on January 21, 1945.

He was held at numerous POW camps, and he finally ended up in Oflag XIIIB near Hammelburg. He was liberated April 21, 1945. After the war, 1st Lt. Inge returned to Mobile. He attended law school and began his law practice in 1948. He was appointed Juvenile Court Judge and then appointed Circuit Judge of the Domestic Relations Division by then Alabama Governor Jim Folsom. At the time, he was the only judge in Mobile County to serve in both capacities at the same time.

Madam Speaker, the recognition of Judge Herndon Inge in ''The War'' documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Judge Inge and his selfless devotion to our country and the freedom we enjoy.

STRATEGIES TO ADDRESS ANTIMICROBIAL RESISTANCE (STAAR) ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. MATHESON. Madam Speaker, I rise to introduce the ''Strategies to Address Antimicrobial Resistance (STAAR) Act,'' which I believe has the potential to save many thousands of lives by strengthening the United States' response to infectious pathogens that are becoming increasingly resistant to existing antibiotics. I am proud to introduce this legislation with my colleague, Rep. MIKE FERGUSON, as a concrete step towards addressing antibiotic resistance.

Media reports about the threat of resistant infections now occur on almost a daily basis. Earlier this year, media attention regarding extensively-drug resistant tuberculosis (XDR–TB) made this topic common conversation in our homes and offices. Suddenly we were forced to think about how quickly an infection can spread, especially in the age of international air travel, and the disastrous result if the cause was a strain of bacteria that failed to respond to our current antibiotics.

Another resistant infection drastically on the rise is community-acquired methicillin-resistant Staphylococcus aureus (CA–MRSA). Historically, this infection was acquired during a hospital stay, but now is affecting young, healthy people and spreading in our communities. We've heard stories of high school, college and professional athletes losing their lives or careers as a result of these infections. Sadly, this infection has become far too common, difficult to treat and has few options to fight it. It can leave individuals disfigured, if they survive. In my own state of Utah, the number of children with MRSA infections at the Primary Children's Medical Center in Salt Lake City has increased by almost 20 fold since 1989.

There are still more infections to worry about. We have numerous reports of our soldiers coming home from Iraq with Acinetobactor—a resistant infection that is especially difficult to treat and the only option is a very toxic antibiotic.

Other examples of concern include vancomycin-resistant Staphylococcus aureus (VRSA), an alarming development because vancomycin is the drug of last resort for treating several serious infections, and Escherichia coli (E. coli), which has caused outbreaks due to contamination of spinach, peanut butter, and other foods we regularly consume.

We have taken antibiotic development for granted. Few of us remember medicine before the discovery of antibiotics. Antibiotics have allowed many medical advances, including routine invasive surgeries, organ transplants, and other procedures that otherwise would be impossible due to resulting infections. But we are falling behind in our ability to protect ourselves against infections, and we have a lot of catching up to do.

In addition, there are problems of significant and inappropriate use of antibiotics; a lack of adequate research to address the many facets of resistance, including basic, clinical, interventional, and epidemiologic research as well as research to support the development of new diagnostics, biologics, devices and, of course, antibiotics; a fractured and underfunded resistance surveillance system; and insufficient coordination of the federal response, which is critically needed as the solutions to addressing antibiotic resistance involve multiple agencies and departments.

I am not the first person in the United States Congress to take on this issue. I feel certain, however, that the STAAR Act is the most comprehensive legislation introduced to date to address this serious and life-threatening patient safety and public health problem. There is no doubt that we must act now to begin to reverse the alarming trend, and infectious disease experts tell me that the multi-pronged approach contained in the STAAR Act provides our best chance to address the multiple problems that face us.

I commend my many colleagues who have demonstrated leadership on this issue over the years, especially Chairman DINGELL. He recognized this issue nearly 15 years ago and asked the Congressional Office of Technology Assessment (OTA) to examine the problem of antimicrobial resistance. In 1995, OTA reported to Congress that ''The impacts of antibiotic-resistant bacteria can be reduced by preserving the effectiveness of current antibiotics through infection control, vaccination and prudent use of antibiotics, and by developing new antibiotics specifically to treat infections caused by antibiotic resistant bacteria.''

Also, I would like to recognize the leadership of my colleague from Michigan, Mr. STUPAK. In the 106th Congress, he and our former colleague, Mr. BURR, introduced the ''Public Health Threats and Emergencies Act.'' Parts of this bill became law and provide the basis of the legislation I introduce today. Specifically, that bill, which is expressed in Section 319E, ''Combating Antimicrobial Resistance'' of the Public Health Service Act, directed the Secretary to establish an Antimicrobial Resistance Task Force to coordinate Federal programs relating to antimicrobial resistance. Also, the bill required research and development of new antimicrobial drugs and diagnostics; educational programs for medical and health personnel in the use of antibiotics; and grants to establish demonstration programs promoting the judicious use of antimicrobial drugs and the detection and control of the spread of antimicrobial-resistant pathogens. Authorization for these programs expired September 30, 2006. The STAAR Act reauthorizes these programs and builds on the Federal efforts that have been highlighted in the Public Health Service Action Plan to Combat Antimicrobial Resistance, published in 2001 by the Task Force.

The Action Plan identified thirteen key elements (out of 84 elements) as top priority action items that are critically necessary to address the growing resistance crisis. Only months after the release of the Action Plan, our former colleague Mr. BROWN and many of my colleagues on the Energy and Commerce Committee, including Chairmen DINGELL and PALLONE, and Mr. WAXMAN, Mr. TOWNS, Mr. GREEN, and Ms. DEGETTE, introduced the ''Antibiotic Resistance Prevention Act of 2001.''

This legislation sought to provide additional funding specifically for the top priority action items in the Action Plan. My colleagues recognized the urgency of this situation and explained that ''The Institute of Medicine, the American Society for Microbiology, the World Health Organization, the Congressional Office of Technology Assessment, and the General Accounting Office each have found that the Nation should improve surveillance for mounting antimicrobial resistance problems; prolong the useful life of antimicrobial drugs; develop new drugs; and utilize other measures, such as improved vaccines, diagnostics, and infection control measures to prevent and control antimicrobial resistance.''

Although Congress has taken steps in the past to address the problem, antimicrobial resistance continues to grow. In 2004, the Infectious Diseases Society of America (IDSA) published, ''Bad Bugs, No Drugs: As Antibiotic Discovery Stagnates a Public Health Crisis Brews'' to highlight the lack of research and development for new antibiotics. Antibiotics are not profitable compared to those that treat chronic (long-term) conditions and lifestyle issues. In addition, when a new antibiotic comes on the market, it is discouraged from use to avoid the development of resistance. Also, antibiotics are taken for short periods of time—unlike those for chronic disease which may be taken daily.

Earlier this year, Mr. BAIRD, Ms. CUBIN and I introduced legislation to provide tax credits and other incentives for antibiotic research and development, as well as to encourage that antibiotics, vaccines, and diagnostics become more commonly manufactured in the United States.

Last week, Congress sent the FDA Amendments Act to the President for signature. This legislation included antibiotic provisions I supported and offered as an amendment during committee consideration. Specifically, the FDA Amendments Act promotes education regarding what incentives may be available through the Orphan Drug program for antibiotics and improves information laboratories and clinicians have about antibiotic resistance.

The ''Strategies to Address Antimicrobial Resistance (STAAR) Act'' compliments these past legislative efforts. The STAAR Act is comprehensive legislation that advances the thirteen key elements identified in the Action Plan and authorizes adequate funding for these strategies.

My bill strengthens existing efforts by establishing an Office of Antimicrobial Resistance (OAR) within the HHS Office of the Assistant Secretary of Health. The Director of OAR would serve as the director of the existing interagency task force. Also, to encourage input from experts outside the federal government, my bill would establish a Public Health Antimicrobial Advisory Board (PHAAB) to provide much needed advice about antimicrobial resistance and strategies to address it. The STAAR Act will strengthen existing surveillance, data collection, and research activities as a means to reduce the inappropriate use of antimicrobials, develop and test new interventions to limit the spread of resistant organisms, and create new tools to detect, prevent and treat these ''bad bugs'' for which there are no drugs. Infectious diseases experts, including the IDSA, have said it strongly supports this multi-faceted, strategic approach.

I appreciate the interest and leadership many of my colleagues have demonstrated on this issue in the past. This legislation has been a long time coming. I appreciate the effort of my colleague, Mr. FERGUSON, who joins me to introduce this bipartisan legislation. Finally, I urge my colleagues to work with me to give our federal agencies the tools they need to ensure that combating antimicrobial resistance becomes a priority.

NATIONAL OVARIAN CANCER AWARENESS MONTH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BURTON of Indiana. Madam Speaker, as many of my colleagues hopefully know, September was National Ovarian Cancer Awareness Month. All across the Nation men and women came together for events to both raise awareness of this terrible scourge and to show their support for the women and families struggling with this horrible disease—the deadliest of the gynecologic cancers. For example, September 7, 2007, was ''Teal Time''—a day on which millions of Americans nationwide wore the official color of ovarian cancer—teal—to raise awareness about ovarian cancer.

While National Ovarian Cancer Awareness Month may be over for 2007, the fight against ovarian cancer goes on. When it is detected early, ovarian cancer is very treatable; unfortunately, ovarian cancer is one of the most difficult cancers to diagnose because symptoms are sometimes subtle and may be easily confused with those of other diseases. As a result, only 29 percent of ovarian cancer cases in the U.S. are diagnosed in the early stages. When the disease is detected before it has spread beyond the ovaries, more than 95 percent of women will survive longer than five years. But, in cases where the disease is not detected until it reaches the advanced stage, the five-year survival rate plummets to a devastating 25 percent.

As there is still no reliable and easy-to-administer screening test for ovarian cancer, like the Pap smear for cervical cancer or the mammogram for breast cancer, early recognition of symptoms is clearly the best way to save a woman's life. Increased education and awareness about ovarian cancer and recognition of women who are at higher risk for developing ovarian cancer, is the only way that women and their doctors will be able to stop ignoring or misinterpreting the subtle symptoms of the disease. Recently, the American Cancer Society and the Ovarian Cancer National Alliance came to a consensus on the identifiable symptoms of ovarian cancer, even in the early stages. The experts believe if a woman experiences any of the following symptoms for at least three weeks—bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, frequent or urgent need to urinate—she should immediately see her gynecologist.

I urge all of my colleagues to remember those symptoms and I ask each and every one of you to please make a special point of discussing them with your mothers, your wives and your daughters; and encourage them to talk about these symptoms with other women. The simple fact is that ignorance kills. The more women who know what to look for, the more lives we can save. If we love our mothers, our wives and our daughters, and I am sure that we do, then we owe it to them to make the effort to talk with them about ovarian cancer.

POPCORN WORKERS LUNG DISEASE PREVENTION ACT

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl:

Mr. BACA. Mr. Chairman, this bill requires the Occupational Safety and Health Administration (OSHA) to issue an interim standard to protect workers in the popcorn manufacturing and flavoring industries and gives time to work on a permanent standard.

I urge support of H.R. 2693, the ''Popcorn Workers Lung Disease Act.''

Every time we microwave a bag of popcorn, we are contributing to lung disease.

Every time we purchase popcorn at the local grocery store, we are contributing to lung disease.

Let's be responsible and start contributing to a solution.

Let's make sure that we support workplace safety legislation.

There is no excuse for workers to need lung transplants or to die just because they are making popcorn for our pleasure.

There is no reason why children should lose a parent from dying of ''Popcorn Lung.''

Yes, this disease is rare, but it is also irreversible and deadly.

OSHA must issue control measures and education measures to prevent this from happening and to minimize worker exposure.

There is no excuse!

Tens of thousands of food processing workers report to work each day and are exposed to this dangerous chemical without any controls.

This bill will give OSHA two (2) years to decide on a final standard for permissible exposure limits.

That time limit is fair and just.

Let's contribute to a solution and put an end to popcorn lung disease!

Americans have a right to be safe at work, to breathe easily and to raise their families knowing that their government will protect them from dangerous chemicals.

I urge my colleagues to support H.R. 2693.

COMMENDING RAY PITTMAN, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Ray

Pittman of Mobile, Alabama, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in Ken Burns' documentary series "The War."

Mr. Pittman was working in Mobile for his father's carpentry business when he enlisted in the Marines. Trained to be a member of a demolition team that assaults enemy "strong points" in advance of the rifleman, he was assigned to the 4th Marine Division, 20th Marine Engineers.

In February of 1944, he and his division were fighting in the Marshall Islands before landing on Saipan. After securing the island, they invaded Tinian. Pittman lost 50 pounds in the five months he spent on these two islands. By February of 1945, he was promoted to sergeant and put in charge of his own demolition team. On February 19, 1945, Sgt. Pittman and his squad landed on Iwo Jima. The squad of 16 was left with only three men by the end of the battle.

Mr. Pittman's daughter, Beth Harrison, put it best in her article for the Hattiesburg American, "Dad has always said he has lived 62 years more than he should have and has often wondered and marveled at why his life was spared. Now, at age 84, Ken Burns will tell his story."

Madam Speaker, the recognition of Mr. Ray Pittman in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Pittman and his selfless devotion to our country and the freedom we enjoy.

TRIBUTE TO FORMER REPRESENTATIVE CHARLES VANIK

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today to pay respect and tribute to former Rep. Charles Vanik of Ohio, who died Wednesday August 31 at his home in Jupiter, Florida at age 94.

Looking back at the career and mission of Representative Vanik, it is an utterly refreshing example of a legislator who didn't let politics get in the way of his goals and vision for his constituents and people all over the world. Many of my colleagues have already mentioned the historic Jackson-Vanik amendment to the Trade Reform Act of 1974. This critical human rights legislation was the mark on the map for Charles Vanik with regards to those outside the state of Ohio, but for us Ohioans, we know Congressman Vanik as a lifelong stalwart for all of those who are socially and economically oppressed.

Charles Vanik led a life of complete selflessness. After receiving his law degree he was on the City Council and in the Ohio legislature where he was valued for his consistent effort and achievements. He then joined the Navy during World War II. After his time in the service, Charles Vanik became a municipal judge until 1954 when he first ran for Congress. As a member of the Ways and Means Committee with jurisdiction over tax law, Congressman Vanik was known for his fights against big business tax breaks in the halls and corridors of Congress as he was known for his signature bow ties.

Congressman Vanik served honorably and long as a dedicated public servant. Mr. Vanik, who had rarely spent little more than $3,000 for any of his re-election bids, became increasingly discouraged with the changing political world and the need to siphon time and resources away from addressing the concerns of his constituents. He chose not to run for re-election in 1980.

Charles Vanik's life and his commitment to principle are truly remarkable. I believe one of the most important things we should learn from the actions and words of Charles Vanik is to constantly hold ourselves to the highest possible standards, no matter what the political environment or what criticism you might face. The United States Congress and the state of Ohio will miss one of its greatest public officials, Congressman Charles Vanik.

HONORING BERGEN COUNTY ACADEMIES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. ROTHMAN. Madam Speaker, I rise today in recognition of the Bergen County Academies, whose outstanding work has been rewarded with the Intel Schools of Distinction Award which commends their superior math and science programs.

The Intel Schools of Distinction Award recognizes kindergarten through twelfth grade schools that promote 21st Century learning skills in math and science. One elementary, one middle, and one high school in each of two categories—math and science—will receive a $10,000 cash grant and $150,000 in products and services from the award's sponsors. In order to be considered as an Intel School of Distinction, schools must develop an environment and curricula that meet or exceed benchmarks, including national mathematics and science content standards. Bergen County Academies was one of only six schools selected to receive this honorable distinction nationwide.

The classes at Bergen County Academies—from the pre-kindergarten class to the twelfth grade—have demonstrated excellence in implementing innovative programs that support positive student achievement in math and science, effectively use technology, and leverage the benefits of teamwork in the development of superior classroom teachers. Winning schools serve as models for educators across the country.

Madam Speaker, I ask my colleagues to join with me today in commending Principal Daniel Jaye, the staff, and students of Bergen County Academies for their outstanding commitment to excellence in math and science. They are a great credit to our community and entire country.

IN HONOR OF BRIAN SIMPSON, WES WILLIAMS, AND JOE JANSEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. FARR. Madam Speaker, I rise today to congratulate and thank three of my constituents who helped save the life of their friend Todd Endris, after he was attacked by a Great White shark off Marina State Beach in California on August 28. Though shark attacks actually are less common than the media would have you believe they are nonetheless startling and scary whenever they do happen. We are reminded only too graphically of the power of nature when these beasts of the ocean appear.

Endris, a 24-year-old student at California State University at Monterey Bay, was surfing in Marina when a 15-foot Great White caught him on his right side and dragged him under the waves. Todd fought with the shark, striking it again and again on the eye with his fist. After what seemed like endless punches the shark released Todd who scrambled desperately back to the water's surface exhausted and bleeding. His friend Joe Jansen who had seen the attack unfold shouted to Endris to grab hold of and climb back on his surfboard as best he could while friends and fellow surfers Brian Simpson and Wes Williams helped steer him back to the beach. Todd lost nearly three liters of blood and was close to shock. Without the intervention of the other three swimmers, he could have slipped away and back into danger's path. As it was, he suffered extensive injuries to his torso and right hip and leg. He was flown to Santa Clara Valley Medical Center in San Jose and is now expected to make a full recovery.

Madam Speaker, August 28 started out like any other day for these young men, who were simply out for a day of surfing. No one expected to be called "hero" before the day was done. But that is exactly what I would call Joe Jansen, Brian Simpson and Wes Williams for their courage in saving their friend Todd Endris from a fatal shark attack. I thank them for their selfless bravery and wish Todd good luck in his recovery.

TRIBUTE TO FIRE CHIEF MICHAEL VARNEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the contribution of Fire Chief Michael Varney to the citizens of Ellington, Connecticut and the strength of our volunteer corps of first responders. Michael was recently selected by Fire Chief Magazine as the 2007 Volunteer Chief of the Year, a great honor in the field and a testament to the commitment and selfless public service of this citizen hero. The award is made all the more special given that the nomination and selection comes from his peers from across the nation amongst an enviable group of worthy candidates. Our nation owes a great debt to these first responders who voluntarily put their life on

the line to ensure the safety of their community and Connecticut is very fortunate to have Chief Varney as a member of its fire service.

After graduating from high school, Michael followed in his father's footsteps and began his career at the Ellington Volunteer Fire Department where he has now served for 23 years. He quickly moved up the ranks and became chief seven years ago. During that time, Michael has superbly led the 50-person department and has been instrumental in securing almost $500,000 in federal grants to provide the critical life-saving equipment necessary to protect his community. He has led with dedication and poise under extreme circumstances and developed the respect of the region's premier firefighting personnel.

Michael has also contributed to the state and regional preparedness through his involvement with the Connecticut Fire Chiefs Association and the state's Emergency Management and Homeland Security Coordinating Council. He is also a member of the International Association of Fire Chiefs committee that has put together a national emergency response network of firefighters, hospital staff, and other emergency personnel. His full-time position with the Department of Information Technology has provided invaluable communication systems expertise not only to his department but also to regional and national organizations.

Chief Varney represents the changing role of our nation's first responders and I ask my colleagues to join me in honoring his life of service and dedication to the protection of our communities.

COMMENDING JOHN GRAY OF MOBILE, ALABAMA, FOR HIS SERVICE IN THE MARINE CORPS DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. John Gray of Mobile, Alabama, for his service to his country as a Marine during World War II. As a member of the 51st Defense Battalion, Mr. Gray served in one of only two black Marine units trained for combat.

After changing his age in an effort to get a job at a Mobile construction company, Mr. Gray was drafted into the military when he was just sixteen. Though he and his unit were trained for combat and sent to the South Pacific with training and experience in handling 90- and 150-millimeter machine guns, his white commanding officers relegated them to menial tasks such as unloading cargo and carrying ammunition.

Carrying his experiences from segregated Alabama into the Marines, Mr. Gray served patriotically despite discrimination. When Japanese propaganda encouraged him and other black soldiers to defect, Mr. Gray chose to fight for his country.

Returning from the war to a state still more rigidly segregated than the armed forces, Mr. Gray devoted his life to education. He is now retired after serving for 50 years in Mobile city schools as a teacher and assistant principal.

Madam Speaker, the recognition of John Gray in Ken Burns' documentary series "The War" is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. John Gray and his selfless devotion to our country and the freedom we enjoy.

GLOBAL POVERTY ACT OF 2007

SPEECH OF

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SMITH of Washington. Mr. Speaker, I rise in support of Global Poverty Act and want to take a moment to explain the profound need for this important piece of legislation.

Nearly 2.7 billion people in the world live on less than $2 a day. Close to a billion people live on less than $1 a day. Vast numbers of people wake up every morning wondering whether they or their children will live to see the end of the day. Poverty leads to widespread disease and instability, and in a world with such vast resources, its existence is absolutely immoral. And yet, the United States has not stated that reducing global poverty and eliminating extreme global poverty are among the foremost goals of our foreign policy, nor have we implemented a comprehensive plan to reach these goals.

H.R. 1302 declares it official U.S. policy to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the U.N. Millennium Development Goal of cutting extreme global poverty in half by 2015. This bill requires the President to develop and implement a comprehensive strategy to carry out this policy. It includes guidelines for what the strategy should include from aid, trade, and debt relief to working with the international community, businesses, and NGOs to insuring environmental sustainability. The bill also requires the President's strategy include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables. Lastly it requires that the President report back to Congress biannually on the progress made in the implementation of the strategy.

To be clear, Americans are working to address global poverty. The President implemented the Millennium Challenge Account to make sure countries don't just get foreign aid but use it wisely. Other significant steps forward include funding the PEPFAR effort and AIDS treatment and prevention in Africa. The United Nations set out the Millennium Development Goals and the G–8 set global poverty as its priority a couple years ago. Groups like the Gates Foundation, RESULTS and Bread for the World and a large number of other organizations combat global poverty from every conceivable angle. The world is coming together as it never has before to combat this menace, but in the U.S. no overarching strategy guides the allocation of resources.

The United States of America should be not just a leader, but the leader in this effort. We are in a position, I believe, to consolidate those resources, to get the maximum return on our effort to relieve global poverty. This bill would bring much-needed strategic vision and accountability to our efforts to address what is arguably the greatest challenge facing the world community today.

I want to thank a large number of people for bringing the Global Poverty Act to the floor. House Foreign Affairs Chairman TOM LANTOS (D–Calif.) has been a tremendous leader on these issues and has been very helpful in this particular piece of legislation, as has Ranking Member ILEANA ROS-LEHTINEN (R–Fla.) and the Republicans on the committee. This is a bipartisan effort. I especially want to thank Congressman SPENCER BACHUS (R–Ala.) who joined me as an original co-sponsor.

It is very important that we adopt this legislation and help the U.S. take this leadership role. I believe if we do so we'll be better able to combat global poverty and be better able to build alliances throughout the world. This new policy will let the world know that the United States wants to use its power for the betterment of the entire world and that we want to work with the international community to solve the greatest crisis facing our world today.

TRIBUTE TO THE CITY OF EUDORA, KANSAS, ON ITS 150TH ANNIVERSARY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the city of Eudora, Kansas, located in the Third Congressional District, which will celebrate its 150th anniversary on October 5th and 6th of this year.

In 1856, three members of a German Immigrant Settlement Company [called Deutsche-Neusiedlungsverein] from Chicago sent out a location committee to choose a town site in the new Indian Territory, which had been opened up to settlement by the Kansas-Nebraska Act, enacted in 1854. Both pro- and anti-slavery groups flocked to this territory.

The three Germans sent to the present site were H. Heimann, F. Barteldes and C. Scheifer. Favoring the Eudora area, they drew up contracts with Shawnee Chief Paschal Fish for 774½ acres, from the Kansas River to the south for about a mile [over 200 blocks total], with two public squares and a park. In February 1857, Chief Fish entered into contracts with the Trustees of the Chicago Verein for purchase of land "to secure a more perfect title" for a price of $10,000. Chief Fish bought back on the same day the old numbered lots of at least three blocks between the Kansas and Wakarusa Rivers. The Shawnee Reservation had been opened up for settlement; Chief Fish was a cousin of Chief Tecumseh, a businessman and a Methodist minister who had been educated at a Mission School.

A map of Douglas County drawn up in early 1857, before Eudora was a town, shows only four townships in the county with Eudora included in the Wakarusa Township. A group of 16 men, four women and some children had come in the spring of 1857 to begin settling at the site. Peter Hartig, age 34, was the leader of this Chicago group, and was accompanied by his wife. The Society paid expenses for the settlers. Eight more men, who paid their own way, came later. The formal title, signed by an Indian Agent named Newsom, was drawn up on February 4, 1860.

The town's name was derived from the name of Chief Paschal Fish's 13-year-old daughter; it is a name of Greek derivation meaning ''giving'' or ''generous.'' Chief Fish said that if they did this, a tornado would never touch down in Eudora. There has not been a tornado there to this day!

A circular saw and a corn cracker worth $2,200 were soon purchased for the new town. The first house built by the settlers was a one-story log cabin, 18′ x 20′, which was shared by all of the inhabitants during the first summer, of 1857. The first sawmill was set up in the same year, and by fall, the first post office was operating and converted into a money order office the next year. The first hotel was probably The America House on Main Street, or near the 5th and 6th Street area.

The first baby born in the new town was a daughter, to Mr. and Mrs. Chris Epple, soon after their arrival; she was named Eudora. The first marriage occurred between Mrs. George Harboldt and Freid Deichmann in the spring of 1858. The first death was in the fall of 1857 when J. Loederlie died. The captain of the original Townsiters, Hartig, lived until 1902, when he was killed by a Santa Fe train; his wife had died the previous year.

The first public building was a frame town hall and school house built in 1860 and used as a polling place, dance hall and community room. It was sited at 6th and Main Streets and later moved to 7th and Main Streets. There was a jail under it in the mid-1860s; it was used as the city hall until 1955 and is now a private residence. In 1859, the town's first election selected Fred Faerber as mayor and councilmembers were also elected. In March of that year the council commissioned the Chicago Secretary of the Immigrant Company to furnish a city seal with a white man and an Indian shaking hands. In 1886, Eudora's first newspaper, The Eudora News, was published, and in 1894, Charles Pilla, who also served as mayor and postmaster, helped organize the Eudora State Bank.

Eudora's first picnic was recorded in 1901. In 1927, the Central Protective Association, also known as the Cattlemens Association, reorganized from its antihorsetheft roots to become the City Picnic Association. The city's annual picnic traditionally held on the third weekend of July, features carnival rides, games, parades, dancing and food.

This tradition of community celebration continues on October 5th of this year, when the city will have a genuine cake and ice cream birthday party. Eudora High School culinary arts students will be showing their talents in a cake decorating contest. Guests will have an opportunity to sample buffalo burgers. A recognition ceremony will feature community volunteer organizations. On the following day, Eudora Fest will feature arts, crafts, and food booths, along with a kid's homegrown carnival, contests, music and entertainment. The main event, however, will be the unveiling of the Eudora Statue—a historic statue of Chief Paschal Fish and his daughter, Eudora. The statue, sculpted by internationally known local sculptor Jim Brothers, will be placed in the city's historic downtown park with a historic kiosk.

Madam Speaker, I know that you and the entire U.S. House of Representatives join with me in honoring the city of Eudora on its 150th anniversary, as we commemorate its rich history and outstanding way of life for all Eudorans. I am proud to represent this community and its people within the Third Congressional District of Kansas.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HERGER. Madam Speaker, I was unable to vote on several measures that came before the House on Wednesday, September 26, 2007 because of illness.

Had I been present I would have voted ''no'' on ordering the previous question on H. Res. 677, a resolution providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008; ''no'' on ordering the previous question on H. Res. 678, a resolution providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl; ''aye'' on a motion to recommit H.J. Res. 52, a resolution making continuing appropriations for the fiscal year 2008, to committee; ''aye'' on final passage of H.J. Res. 52, a motion making continuing appropriations for the fiscal year 2008; ''aye'' on an amendment by Mr. WILSON of South Carolina to H.R. 2693, the Popcorn Workers Lung Disease Prevention Act; and ''no'' on final passage of H.R. 2693, the Popcorn Workers Lung Disease Prevention Act.

TRIBUTE TO THE SAINT'S MONICA AND LUKE PARISH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great enthusiasm and sincerity that I take this time to recognize a milestone that will be taking place in the city of Gary, IN, on Sunday, September 30, 2007. This date will mark the 25th anniversary of Saints Monica and Luke Parish, and also will mark the 90th anniversary of Saint Luke Parish and the 80th anniversary of Saint Monica Parish. This celebration, honoring the people and the history of these parishes, will take place at the Genesis Convention Center in Gary.

The official dedication of Saint Luke Parish, by then-Bishop Aldering, took place on September 30, 1917, the year my father arrived in Gary. The previous July, Saint Luke's first pastor, Father Frank Gnibba was appointed, and it was through his leadership that the first auditorium, or chapel, was constructed. This modest structure was the beginning of what would eventually become Saints Monica and Luke Parish. It housed seating for 550 people, as well as four classrooms, which formed the original Saint Luke's school. An important part of the history of Saint Luke is that the school was staffed by the School Sisters of Notre Dame from 1917–1969. During this time, under the leadership of Father Wilfred P. Mannion, the church's current building was constructed. The new location officially opened on October 16, 1955.

Saint Monica Parish, established in Gary in 1927, was the result of the efforts of four African American Catholic women: Lillian Bolden, Louise Agnes Smith, Josefa Streeter, and Eugenia Williams. Because African Americans were not welcome in the existing Catholic churches in Gary at the time, these inspirational leaders and beacons of change petitioned then-Bishop John Francis Noll to establish a church for them. This request was granted, and Saint Monica Parish was born. In 1928, Father H. James Conway became Saint Monica's first pastor. Father Conway would serve the Catholic community in Gary for many years, eventually being named pastor at Saint Luke in 1959. During his tenure, in 1945, the Sisters of the Blessed Sacrament began instructing students at Saint Monica School, which focused on academic excellence and Christian service, and would become one of the premier educational facilities in the City of Gary. Another leader of Saint Monica's was Father Joseph M. Barry, an oblate from Boston who was very close to our family, as was another of the congregation's leaders, Myrtle King. Father William Martin, an assistant to Father Conway, took over as pastor at Saint Monica in 1968 and would eventually become the first pastor at Saints Monica and Luke Parish upon the parishes' merger in 1982.

Throughout the years, the parishioners of both Saint Luke and Saint Monica were a magnificent example of the Christian community in northwest Indiana. When the two churches merged in 1982 to become what is now Saints Monica and Luke Parish, their outstanding service to the community continued. Through the diligent efforts of its members, service to those in need has become one of the parish's identifying trademarks. Saints Monica and Luke operates a food pantry that serves families once a month, as well as the Saints Monica and Luke Soup Kitchen, which opened its doors in April 1993 and has served a hot meal to those in need every Friday since.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring the church's current and dedicated Pastor, Father Pat Gaza, and the entire congregation at Saints Monica and Luke Parish on their 25th anniversary, as well as the preceding parishes. Throughout the years, the clergy and members of Saints Monica and Luke have dedicated themselves to providing spiritual guidance through their faith, as well as unconditional service to their community. Their constant dedication and commitment is worthy of our deepest admiration.

HONORING THE MEMORY OF JEAN O'CONNOR-SNYDER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor her and pay tribute to the memory of Jean O'Connor-Snyder.

A long-time resident of Tuscaloosa, Jean devoted much of her business and civic career to her beloved alma mater, which honored her

with the establishment of 2 endowed scholarships in her name: the Jean O'Connor Leadership Scholarship and the Jean O'Connor-Snyder Endowed Scholarship.

She served as director of events and protocol and assistant director of development for the University of Alabama for over 9 years. She also served as director of community relations, employee development and special events for Bromberg Jewelers, assistant vice president of SouthTrust Bank, and executive director of the Alabama Jewelers Association. In 1993, she moved to Montgomery to be the executive assistant to the First Lady, mansion administrator, and chief of protocol for the Alabama Governor's office. In 1995, she returned to her private consulting business where she specialized in events management, public relations, and professional development training.

Jean was a president of the Tuscaloosa chapter of the University of Alabama National Alumni Association, and the National Alumni Association awarded her with the Distinguished Alumna Award in 1997. She was the volunteer coordinator with the University of Alabama Visual Program and former president of the Life Learning Initiative at Shelton State Community College. She served as the consultant who coordinated the first two Alabama Stage and Screen Hall of Fame Galas for Shelton State Community College.

Her dedication did not stop there. Jean served as a deacon and Stephen Minister at First Presbyterian Church of Tuscaloosa, president of Tuscaloosa International Friends, board member to Tuscaloosa Family Resource Center, and the Chi Omega/House Corporation. She was a member of Rotary International Tuscaloosa Chapter, 2007 Leadership Scholarship Capstone Council, and received the Alabama Alumni Association's Award of Achievement.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Jean will be missed by her family—her 6 children, Frances O'Connor Morgan, William F. O'Connor, Jr., John Talty O'Connor, Julia Bradford O'Connor, Michael Brady O'Connor, and Patrick Shepherd O'Connor; her stepdaughter, Sharon Pilsch; nine grandchildren, Rosalyn Morgan Devine, Katherine Elizabeth O'Connor Heath, Anna Bradford O'Connor Norris, John Franklin Morgan III, Elizabeth Brady Morgan, Kelsey Cooper O'Connor, Kerri Cathleen O'Connor, Rosalind Brady O'Connor, and Victor Bradford O'Connor; 2 step-grandchildren, Erin Pilsch and Turner Pilsch; and several great-grandchildren—as well as the many countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

CALLING ON THE GOVERNOR OF THE STATE OF ILLINOIS TO DEFEND EMPLOYERS' RIGHT TO EMPLOYEE VERIFICATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KIRK. Madam Speaker, today I introduced a resolution calling on Governor Rod Blagojevich to stop the state's upcoming prohibition on people from Illinois from using the federal government's E-Verify web site to confirm immigration status for job applicants. The system is used in other states to quickly verify that new employees comply with U.S. law. Earlier this week, the Department of Justice, on behalf of the Department of Homeland Security, brought suit in federal court to strike down the Blagojevich prohibition.

The E-Verify system was created as part of the ''Basic Pilot Program'' authorized by Congress in 1996 to help employers easily check immigration status for job applicants. The program was offered to the entire country in 2001 by a unanimous vote of the House. Governor Blagojevich was a member of the House in 2001 during the time of that unanimous vote.

The E-Verify system provides employers access to a web site to check on the legal or illegal status of a job applicant, usually within one day. The system approves over 91 percent of such applications. If an applicant disagrees with an E-Verify opinion, he can contest the ''Tentative Non-Confirmation'' within one week at a Social Security or Department of Homeland Security office. Federal law prohibits an employer from taking action against an employee until this dispute is resolved.

If an employee is officially ''Non-Confirmed'', the employer can still offer a job after adjusting the immigration status of the applicant or notifying the Department of Homeland Security. Over 22,000 American employers use the E-Verify system that has processed almost three million requests. More than 800 employers join this system each week.

While the federal government offered Americans the right to check on the immigration status of job applicants using the E-Verify system, this right will be denied to the people of Illinois by this new state law. Signed by the Governor in August, the Illinois law will deny all Illinois employers the right to use the federal E-Verify system after January 1. The Illinois law only allows access to E-Verify at some future date after state officials finds the system is 99 percent accurate. No other state denies the rights of its employers to use this federal program. Furthermore, the Illinois law clearly violates the Supremacy Clause of the Constitution.

I encourage all of my colleagues to join me in supporting this resolution and supporting the right of employers to verify the immigration status of prospective employees.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

SPEECH OF

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. POE. Madam Speaker, Yvette Cade is an inspiring survivor of domestic violence. The justice system failed her. In 2005, Yvette sought protection from her estranged husband. Already a victim of domestic violence, Yvette had a restraining order against her estranged husband, but it was set to expire. Yvette turned to the courts for help. She personally asked District Judge Richard Palumbo to extend the restraining order. Judge Palumbo said no; he refused to extend the order. Judge Palumbo went so far as to make fun of Yvette for seeking a protective order. When Yvette, who represented herself without a lawyer, told Palumbo that she wanted ''an immediate, absolute divorce,'' Judge Palumbo replied, ''I'd like to be six-foot-five, but that's not what we do here.'' Judge Palumbo likened other domestic violence victims to buses that come along every 10 minutes. Judge Palumbo then dismissed Yvette's assault case against her estranged husband. Two weeks later, Yvette's fears of further abuse were realized when her estranged husband walked into her workplace, doused her with gasoline, struck a match, and set her on fire.

Yvette Cade survived the third-degree burns across sixty-percent of her body. She underwent several surgeries and still has more surgeries in her future. As a victim, survivor, and advocate, Yvette Cade is an inspiring voice for all domestic violence victims. She is a reminder of the staggering statistics on domestic violence victims in America and the injustices that victims face on an all too-often basis.

Yvette Cade triumphed over tragedy. To recognize her remarkable spirit and advocacy work on behalf of other victims, the Victims' Rights Caucus awarded Yvette the Eva Murillo ''Unsung Hero'' Award in April.

Domestic violence victims need a voice so that they too can become survivors. That is why I sponsored H. Res. 590 to declare October as National Domestic Violence Awareness Month. It is appropriate that this House pass this legislation unanimously.

With more awareness of domestic violence, more action can be taken. We owe it to good people like Yvette Cade. And that's just the way it is.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. ROSS. Madam Speaker, on Tuesday, September 25, 2007, I was not present for votes as I was in Little Rock, Arkansas attending the 50th Anniversary commemorating the integration of Little Rock Central High School by the Little Rock Nine.

Had I been present for rollcall No. 895, H.R. 1400, the Iran Counter-Proliferation Act of 2007, I would have voted ''Aye.''

Had I been present for rollcall No. 896, H. Res. 584, Supporting the goals and ideals of National Life Insurance Awareness Month, I would have voted ''Aye.''

Had I been present for rollcall No. 897, H. Con. Res. 210, Supporting the goals and ideals of Sickle Cell Disease Awareness Month, I would have voted ''Aye.''

Had I been present for rollcall No. 898, H. Res. 663, Supporting the goals and ideals of Veterans of Foreign Wars Day, I would have voted ''Aye.''

Had I been present for rollcall No. 899, H. Res. 548, Expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon, I would have voted ''Aye.''

Had I been present for rollcall No. 900, H. Res. 642, Expressing sympathy and support

for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown, I would have voted ''Aye.''

Had I been present for rollcall No. 901, H. Res. 557, Strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda, I would have voted ''Aye.''

Had I been present for rollcall No. 902, H. Res. 675, Table Appeal of the Ruling of the Chair, I would have voted ''Aye.''

Had I been present for rollcall No. 903, H. Res. 675, on the Previous Question on providing for consideration of the Senate amendments to H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, I would have voted ''Aye.''

Had I been present for rollcall No. 904, H. Res. 675, on agreeing to the resolution, Providing for consideration of the Senate amendments to H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, I would have voted ''Aye.''

Had I been present for rollcall No. 905, H. Res. 95, Campus Fire Safety Month, I would have voted ''Aye.''

SUPPORTING THE GOALS AND IDEALS OF GOLD STAR MOTHERS DAY

SPEECH OF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank my colleague, Representative ROSKAM for introducing H. Res. 605, in support of Gold Star Mothers. Gold Star Mothers is a tremendous organization that honors our nation's brave sons and daughters in the Armed Services that have made the ultimate sacrifice. Gold Star Mother's outreach and volunteer efforts help to bring comfort and solace to family members and loved ones during their time of need. My stepson Doug and his wife Lindsay continue to serve overseas in the Marines so I greatly appreciate the support and devotion the Gold Star Mothers have for our Armed Forces and Veterans. I am also proud to have Georgianna C. Krell, a past and future National President of Gold Star Mothers from my Congressional District. Georgianna's son PFC Bruce Carter was killed defending our nation on August 7th 1969 in Vietnam. Private Carter was posthumously awarded the Medal of Honor for his actions in battle. It is with great pleasure that I have been working with Georgianna to have our local VA hospital in Miami renamed after her son and I look forward to my continued relationship with Georgianna and Gold Star Mothers to honor our nation's heroes.

TRIBUTE TO JUDGE RICHARD S. ARNOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BERRY. Madam Speaker, I rise today to pay tribute to a great Arkansan and a fine American, Judge Richard S. Arnold. I'm proud to recognize Judge Arnold in the United States Congress for his years of service as a legal scholar. His carefully reasoned and articulate opinions set new standards in the legal profession. Although Judge Arnold rose to one of the highest levels of his profession, he always maintained a sense of grace and humility that was admired by all.

Judge Arnold received his bachelor's degree summa cum laude from Yale and later graduated magna cum laude and first in his class from Harvard Law School. In addition to serving as a clerk to Justice William Brennan at the U.S. Supreme Court, Arnold served as a legislative assistant to Senator Dale Bumpers of Arkansas and was eventually appointed Judge for the U.S District Court for the Eastern and Western Districts of Arkansas. He was appointed to the Eighth Circuit in 1980 and finally Chief Judge on January 8, 1992 where he served until his untimely death.

According to his colleagues, Judge Arnold's intellect was unmatched and his compassion for others is a trait that is rarely found today. He was respected for his continual search for truth and justice that he applied to each of his opinions, which are often used today as models for judging. He worked tirelessly to improve the judiciary and supported efforts to help other judges across the nation improve their skills and in turn the legal profession.

Judge Richard Arnold has been recognized by the dedication of the United States Courthouse in Little Rock, AK where his life and his work can continue to be remembered. He was a fine Arkansan and a fine American and will be greatly missed by all.

IN MEMORY OF A GOOD AND DECENT MAN, MAYER MITCHELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, I rise today with a heavy heart to announce to the House that a friend to many in this chamber—and throughout this city—Mayer Mitchell of Mobile—passed away yesterday morning at home with his family by his side.

In recent weeks, it became apparent that Mayer was involved in a battle unlike any he had ever faced. And yet, knowing that Mayer had that 'never-say-quit' spirit, it would not have surprised any of us had he been able to scale just one more mountain along life's journey.

Sadly, however, that was simply not meant to be, and Mayer's passing leaves a void that will be felt throughout our community, state and nation.

No tribute to Mayer could begin without offering our heartfelt sympathies to his wonderful family. Above all else, Mayer was truly a family man . . . he loved his family and included them in almost all that he did and all for which he stood.

To his loving wife of 54 years, Arlene, their four children, Richard, Melinda, Joy and Lisa, their eight grandchildren, and to his brother, Abe, the people of south Alabama offer our deepest sympathies to you over your loss. At the same time, we offer our profound gratitude to you for sharing your wonderful husband, father, grandfather and brother with all of us.

Mayer Mitchell had a truly wonderful and amazing life, a life filled with exemplary philanthropic service that is unrivaled in the city of Mobile and perhaps the state of Alabama, but also, in a very real way, he was a man who enriched the lives of all who came in contact with him over the years.

Mayer, known to his close friends and family as ''Bubba,'' was truly many things to many people.

As a businessman, Mayer was the consummate professional, always driven by a desire to be successful in whatever opportunity was presented. He often defined success as being centered on respect, trust and mutual understanding.

He was motivated by a personal philosophy of ''the harder you work, the luckier you get,'' and that's just what Mayer did. Along with his brother Abe, they founded The Mitchell Company, a residential and commercial real estate development firm in 1958. Their company built single family homes and apartments as well as shopping centers. Not surprisingly, the firm grew rapidly and soon became one of the largest in the southeast.

Mayer and Abe sold their interest in the company in 1986 at which time the firm was responsible for 25,000 single family homes, 20,000 apartments and 175 shopping centers. Even today, The Mitchell Company remains the largest private firm in Mobile and among the top 40 in the state of Alabama. After selling the family business, Mayer spent the second half of his business life managing his investments through his company, MBI, L.L.C. Rather than retire at the young age of 53 simply to live on his successes, Mayer put his heart and soul in support of his family, his faith and his community. He followed the example set by his parents' commitment to philanthropy explained by one of his favorite Jewish proverbs, ''Give when you're living, and it's gold. When you give when you're dead, it's lead.''

A lifelong proponent of education, Mayer served more than 32 years on the University of South Alabama Board of Trustees, including a term as chairman. He was particularly supportive of USA's medical, business and sports programs, but to say his giving touched every aspect of the University would be a considerable understatement.

At the time of his death, Mayer and his family had given more than $36 million to the University of South Alabama. As a result of his leadership, several key landmarks on campus today proudly bear the Mitchell name, including USA's Mitchell College of Business and the Mitchell Center sports arena, the finest facility of its kind in the state of Alabama.

Mayer and Abe also gave generously to create the University's business learning resource center, named in honor of their parents, Joseph and Rebecca Mitchell.

But as committed to education as he was, Mayer was also a tireless advocate for quality

health care and, not surprisingly, he left his indelible mark in this arena as well.

Madam Speaker, at the age of 36, Mayer was diagnosed with Hodgkin's lymphoma. After seeking successful experimental cancer treatments in New York, Mayer vowed that Mobile would one day have its own world-class cancer center.

And today, because of Mayer's vision and generosity—and that of the entire Mitchell family—the University of South Alabama, in alliance with the Mobile Infirmary Medical Center, is now home to a state of-the-art cancer research institute, appropriately named the Mitchell Cancer Institute.

All in all, the Mitchell family holds the distinction of having given more to a single public university than any other family in the history of the state of Alabama.

Without a doubt, Mayer's philanthropy and leadership was legendary and recognized around the country and across the globe. When Mayer's name was on an invitation, a project or a cause, you knew with it came his own personal "Good Housekeeping Seal of Approval." And if Mayer was on your side, you never, ever had to go back to him and ask if he was truly committed. Mayer's word was golden.

Mayer Mitchell was awarded the University of South Alabama National Alumni Associations' Distinguished Service Award in 2006. Other honors included: Outstanding Young Men of America; Jewish Welfare Fund Man of the Year; Prichard Honorary Citizen of the Year; Mobile County Realtor of the Year; and high honors from the Boy's Club of Mobile, Bishop State Community College; University of Rochester, New Orleans Chapter of Hadassah, Alabama Institute for the Deaf and Blind, Mobile Kiwanis Club and the American Hellenic Educational Progressive Association. In 2006, The University of Alabama inducted Mayer into the Alabama Business Hall of Fame.

Clearly, Mayer's involvement was not just at the local and state level, but at the national level as well. He was a longtime political activist and a passionate supporter for Israel. He served on the national board of directors of the American Israel Public Affairs Committee, AIPAC, for over two decades, serving as president of the board from 1990—1992 and as chairman of the board from 1992—1996. He devoted much time to Camp Ramah Darom, a summer camp for Jewish youth in northeast Georgia, and Jewish Theological Seminary in New York, which awarded him an honorary doctorate.

A graduate from Pennsylvania's Wharton School of Finance in 1953, Mayer also served in the Army as a first lieutenant in the Korean War, where he earned a commendation ribbon with medal pendant for meritorious service.

Madam Speaker, Psalms 24:2 calls to question, "Who will ascend the mountain of the Lord and who will stand in his place of sanctity? One with clean hands and a pure heart."

Let there be no doubt, Mayer Mitchell's manner and goodness truly lived up to that expectation. And for all who truly knew Mayer—and appreciated him for all he was and all he did—we can all take some comfort in knowing that in life, Mayer definitely made a difference. Even in death, his legacy will last for generations.

More than 60 years ago, a young girl wrote a diary that opened the world's eyes to the horrors of evil and hatred. Even today, Anne Frank remains an inspiration for her simple eloquence and powerful choice of words.

One of my favorite Anne Frank quotes seems to be a fitting epithet for my dear friend, Mayer. She wrote, "How wonderful it is that nobody needs to wait a single moment before starting to improve the world."

Madam Speaker, Mayer Mitchell did just that. He waited for no one to tell him what needed to be done; he simply went out, in his own special way, and sewed seeds of hope one good deed at a time.

While it is true that the good works of Mayer Mitchell could fill an entire volume in the CONGRESSIONAL RECORD, on this day when his family and friends mourn his death, I simply ask my colleagues to join with me in remembering a good and decent man, Mayer Mitchell. May he rest in peace.

TRIBUTE TO MINNIE VAUTRIN, "AMERICAN GODDESS OF MERCY"

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HONDA. Madam Speaker, I rise today to honor Minnie Vautrin, an American woman and missionary whose heroism changed the course of history during World War II.

Japan's violent occupation of then-capital Nanking, China, historically known as the Rape of Nanking, claimed the lives of hundreds of thousands of innocent Chinese men, women and children and left its mark on history as one of the most brutal massacres and crimes against humanity of the 20th Century. An estimated 300,000 Chinese civilians were killed, and an estimated 20,000 women were raped, with some estimates as high as 80,000.

Minnie Vautrin, a missionary who worked at a women's college in Nanking, courageously stood against the Japanese Imperial Army. A native of Illinois, she was one of the few Americans in the region when the Japanese army invaded Nanking.

By using the American flag and proclamations issued by the American Embassy in China maintaining the college as a sanctuary, Minnie helped repel incursions into the college, where thousands of women and children sought protection from the Japanese army. She often risked her own life to defend the lives of thousands of Chinese civilians.

Her devotion during this horrific event earned her the nickname "American Goddess of Mercy" among the people of Nanking, where she is fondly remembered. Her heroic actions and unparalleled efforts to save lives deserve to be recognized. Sadly, her story is relatively unknown.

Today, on the 121st anniversary of her birth, I would like to honor Ms. Vautrin for her sacrifice, courage, humanity, and commitment to peace and justice during the violent Rape of Nanking. Minnie Vautrin's story defines patriotism and heroism in the midst of war.

Madam Speaker, I thank my colleagues for joining me in remembering this phenomenal yet unsung heroine. To the thousands of innocent men, women and children whose lives were spared because of Minnie Vautrin's bold courage, she will never be forgotten.

HONORING THE DEDICATED SERVICE OF KATHERINE BROWN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to thank Katherine Brown for her service to Tennessee's Sixth Congressional District while working in my Washington, D.C., office.

When Katie came to Capitol Hill from Gallatin, Tennessee, earlier this year, she quickly proved to be an able researcher, a strong writer and a hard worker. While she has been with the office only a short time, her diligence and persistence have helped me do my job better.

But love and law school are now calling her home. Today is her last day in the office as Katie is moving back to Middle Tennessee to be with her fiancé, Taylor, while she prepares for law school.

My staff and I are sad to see her leave, but we share her excitement for this new chapter in her life. Katie, I thank you for all your help, and I wish you all the best in your future endeavors.

PAYING TRIBUTE TO NABVETS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to the National Association for Black Veterans (NABVETS) and offer my salutation to those members attending their Regional Convention in Denver Colorado this November. NABVETS has representatives in several states across the western United States, including my home state of Colorado. It is with the utmost sincerity that I wish this gathering success in discerning avenues to uphold and meet their organizational mission.

Since its founding in 1969, NABVETS has made great strides in community development and advocacy by providing a myriad of services including empowerment of low-income and minority veterans and historical perseverance.

NABVETS has provided support to Colorado communities over the years, and I am proud to support its continued efforts to assist Colorado's veterans.

Madam Speaker, please join me in thanking them for their efforts, and conveying my best wishes for the convention.

CONGRATULATING MR. GRANT SIMPSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Grant Simpson, a Hidden Lakes Elementary School teacher in Keller, Texas, for being named Texas Elementary Teacher of the Year.

Mr. Simpson was selected from twenty finalists by an eleven member panel of educators, principals and state officials. This is the second consecutive year that a Keller teacher has been recognized.

Mr. Simpson turns his fourth-grade classroom into a comfortable learning environment for his students. He tries to attend numerous student activities such as recitals and football games, and it is not uncommon to see him eating lunch with his students.

Mr. Simpson will receive $5,000 and a technology package worth $15,000 for his award. He will be honored at a luncheon November 3, 2007, in Austin, Texas.

I would like to join Mr. Grant Simpson's family and friends in congratulating him on receiving this remarkable award. It is an honor to have such a prestigious teacher in the 26th district of Texas.

CONGRATULATING ALEXIS L. TAYLOR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Miss Alexis L. Taylor of Keller High School in Keller, Texas, for being chosen as a semifinalist in the 44th Annual National Achievement Scholarship Program. It is an honor to have such a qualified student in the 26th District of Texas.

The National Achievement Scholarship Program began in 1964 as a way to provide scholarships to promising black students. Since 1964, almost 28,000 students have been provided with scholarships totaling more than $88 million.

Miss Taylor was one of 114 semifinalists from the State of Texas. She was chosen based on her Preliminary SAT scores. Finalists will be chosen based on abilities, achievements, and potential for success. The scholarship winners will be announced in April of 2008.

I extend my sincere congratulations to Miss Alexis L. Taylor and her family for her academic achievements at Keller High School. Her dedication and commitment to her education will lead her to great things. I wish her the best of luck with the remainder of the National Achievement Scholarship Program.

BOROUGH OF MOHNTON IN BERKS COUNTY 100TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor the Borough of Mohnton in Berks County, Pennsylvania which is celebrating its 100th Anniversary this year. Like many municipalities in the 6th District, the Borough of Mohnton has a rich and proud history that is the foundation for the strength and sense of community that its residents share today.

Mohnton officially became a borough in 1907 when it separated from Cumru Township. The community was previously known as Mohn's Store, or Mohnsville, in honor of founder Samuel K. Mohn, who opened a store and established a post office in 1857. Within the first year of the Borough's existence, the Mohnton Fire Co. No. 1 was organized, which consisted of a hand-drawn hose cart that was its only means of fighting fires. In 1909, the first Borough's high school graduating class had just four students. Today, the Borough is a part of the Governor Mifflin School District, which proudly boasts over 1400 students in high school alone. Over the years, the Borough has grown into a thriving community that epitomizes good neighbors and civic-mindedness.

As a part of the festivities, the Borough has brought back another proud tradition that dates back a half-century. Back in the 1950s, Mohnton was the local hub of soap-box racing, with fans watching the races along Walnut Street. This tradition was rekindled by the Mohnton Lions Club this past summer and it was a great event for young and old alike.

This weekend's celebrations will include a Centennial Parade around the Northridge section of the community, followed by string bands, fireworks and other great musical performances.

I congratulate Mayor Richard Trostle and all of the other dedicated organizing members and volunteers who worked tirelessly to make this celebration so successful. I know all my colleagues join me today in congratulating the Borough of Mohnton and all its residents for 100 years of family, faith and tradition and we wish them another 100 years of community energy, vitality and success.

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 43, Debt Limit Increase.

Senate concurred in the amendments of the House to the amendments of the Senate to H.R. 976, Children's Health Insurance Program Reauthorization Act.

Senate

Chamber Action

Routine Proceedings, pages 12189–S12317

Measures Introduced: Twelve bills and three resolutions were introduced, as follows: S. 2104–2115, and S. Res. 334–336. **Page S12287**

Measures Reported:

S. Res. 258, recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation.

S.J. Res. 13, granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. Con. Res. 45, commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month. **Page S12285**

Measures Passed:

Debt Limit Increase: By 53 yeas to 42 nays (Vote No. 354), Senate agreed to H.J. Res. 43, increasing the statutory limit on the public debt, clearing the measure for the President. **Pages S12248–54, S12255**

Continuing Appropriations: By 94 yeas to 1 nay (Vote No. 355), Senate agreed to H.J. Res. 52, making continuing appropriations for the fiscal year 2008, clearing the measure for the President. **Pages S12255–58**

President of George Washington University: Committee on the Judiciary was discharged from further consideration of S. Res. 210, honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, D.C., in recognition of his upcoming retirement in July 2007, and the resolution was then agreed to. **Page S12314**

Librarian of Congress Dr. James Hadley Billington: Senate agreed to S. Res. 336, recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress. **Pages S12314–15**

Joshua Omvig Veterans Suicide Prevention Act: Committee on Veterans' Affairs was discharged from further consideration of H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S12315–16**

Brown (for Harkin) Amendment No. 3111, in the nature of a substitute. **Page S12315–16**

Secretary of Education Waiver Authority: Senate passed H.R. 3625, to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency, clearing the measure for the President. **Page S12316**

Transitional Medical Assistance Extension: Senate passed H.R. 3668, to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, clearing the measure for the President. **Page S12316**

Measures Considered:

National Defense Authorization Act: Senate continued consideration of H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel, taking action on the following amendments proposed thereto: **Pages S12189–S12206, S12258–78**

Adopted:

Reid (for Kennedy/Smith) Amendment No. 3035 (to the language proposed to be stricken by Amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. **Pages S12205–06**

By 96 yeas and 3 nays (Vote No. 351), Casey (for Hatch) Amendment No. 3047 (to Amendment No. 2011), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

Pages S12189, S12206

McCaskill (for Webb) Further Modified Amendment No. 2999 (to Amendment No. 2011), to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.

Pages S12189, S12258–60

Levin (for Sanders) Amendment No. 2902 (to Amendment No. 2011), to provide for an enhancement of the utility of the Certificate of Release or Discharge from Active Duty of members of the Armed Forces. **Page S12261**

Levin (for Cardin/Mikulski) Amendment No. 3000 (to Amendment No. 2011), to provide for the relocation of the Joint Spectrum Center in Annapolis, Maryland, to Fort Meade, Maryland and the termination of the existing lease for the Center.

Pages S12261–62

Levin (for Kerry) Amendment No. 3041 (to Amendment No. 2011), to protect small high-tech firms. **Pages S12261–62**

Levin (for Reid/Obama) Amendment No. 3073 (to Amendment No. 2011), to provide for transparency and accountability in military and security contracting. **Pages S12261–62**

Levin (for Webb) Modified Amendment No. 2127 (to Amendment No. 2011), to improve the provisions relating to contractors performing private security functions in areas of combat operations.

Pages S12261–62

Levin (for McCain) Amendment No. 3088 (to Amendment No. 2011), to require a report on medical physical examinations of members of the Armed Forces before their deployment. **Pages S12261–62**

Levin (for Coleman/Collins) Amendment No. 2983 (to Amendment No. 2011), to modify authorities relating to the Office of the Special Inspector General for Iraq Reconstruction. **Pages S12261–63**

Levin Amendment No. 3076 (to Amendment No. 2011), to require a report on family reunions between United States citizens and their relatives in North Korea. **Pages S12261, S12263**

Levin (for Cardin) Amendment No. 2991 (to Amendment No. 2011), to require the Secretary of State and the Secretary of Defense to prepare reports assessing capabilities to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

Pages S12261, S12263

Levin (for Dorgan/Dodd) Amendment No. 2989 (to Amendment No. 2011), to provide accurate monitoring and tracking of weapons provided to the Government of Iraq and other individuals and groups in Iraq. **Pages S12261, S12263–64**

Levin (for Lautenberg) Amendment No. 3081 (to Amendment No. 2011), to establish the Office of the Special Inspector General for Afghanistan Reconstruction. **Pages S12261, S12264**

Levin (for Obama) Amendment No. 3078 (to Amendment No. 2011), relative to administrative separations of members of the Armed Forces for personality disorder. **Pages S12261, S12264**

Levin (for McCain) Amendment No. 3104 (to Amendment No. 2011), to express the sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet.

Pages S12261, S12264

Levin (for McCain) Amendment No. 2133 (to Amendment No. 2011), to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take account changes in the Consumer Price Index. **Pages S12261, S12264–65**

Levin (for Kennedy/McCain) Amendment No. 3077 (to Amendment No. 2011), relative to the Littoral Combat Ship program. **Pages S12261, S12265**

Levin Modified Amendment No. 2265 (to Amendment No. 2011), to modify the authorities to lease military family housing, and to provide an offset. **Pages S12261, S12265**

Levin (for McCain) Amendment No. 3087 (to Amendment No. 2011), to require reports on the utilization of tuition assistance benefits by members of the Armed Forces. **Pages S12261, S12265**

Levin (for Warner) Amendment No. 2954 (to Amendment No. 2011), to increase the amount authorized to repair, restore, and preserve the Lafayette Escadrille Memorial in Marnes-la-Coquette, France.

Pages S12261, S12265

Levin (for Chambliss/Pryor) Amendment No. 2049 (to Amendment No. 2011), to modify the effective date of applicability of the commencement or receipt of non-regular service retired pay.

Pages S12261, S12265

Levin (for Craig) Amendment No. 2101 (to Amendment No. 2011), to enhance education benefits for certain members of the reserve components.

Pages S12261, S12265–67

Levin (for Inhofe) Amendment No. 2261 (to Amendment No. 2011), to extend the period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives. **Pages S12261, S12267**

Levin (for Lincoln) Amendment No. 2074 (to Amendment No. 2011), to modify the time limit for use of entitlement to education assistance for reserve component members supporting contingency operations and other operations. **Pages S12261, S12267**

Levin (for Nelson (FL)) Amendment No. 2000 (to Amendment No. 2011), to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency an indemnity compensation and to modify the date of paid-up coverage under the Survivor Benefit Plan.

Pages S12261, S12267

Levin (for Nelson (NE)/Graham) Amendment No. 2161 (to Amendment No. 2011), to repeal the annual limit on the number of Reserve Officers' Training Corps scholarships under the Army Reserve and Army National Guard financial assistance program.

Pages S12261, S12267

Levin (for Reid) Amendment No. 2925 (to Amendment No. 2011), to provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees. **Pages S12261, S12267–68**

Levin (for Lautenberg) Amendment No. 2912 (to Amendment No. 2011), to increase in charges and fees for medical care. **Pages S12261, S12268**

Levin (for Kennedy) Amendment No. 2066 (to Amendment No. 2011), to provide for the retention of reimbursement for the provision of reciprocal fire protection services. **Pages S12261, S12268**

Levin (for Hutchison) Modified Amendment No. 2984 (to Amendment No. 2011), to designate a scientific institute at the Texas Medical Center as the National Center for Human Performance.

Pages S1261, S12268

Levin (for Biden) Modified Amendment No. 3075 (to Amendment No. 2011), to provide funds for improvised explosive device protection for military vehicles. **Pages S12261, S12268**

Levin (for McCain) Modified Amendment No. 3089 (to Amendment No. 2011), to provide for a continuation of transitional health benefits for members of the Armed Forces pending a resolution of their service-related medical conditions.

Pages S12261, S12268

Levin (for McCain) Amendment No. 3090 (to Amendment No. 2011), to enhance the computation of years of service for purposes of retirees pay for non-regular service. **Pages S12261, S12268**

Levin (for Landrieu) Modified Amendment No. 2993 (to Amendment No. 2011), relative to the capture of Osama bin Laden and the al Qaeda leadership. **Pages S12261, S12268**

Levin (for Kennedy) Modified Amendment No. 2872 (to Amendment No. 2011), to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States.

Pages S12261, S12268–70

Levin (for Lott) Modified Amendment No. 2214 (to Amendment No. 2011), to express the sense of Congress on the need of the Department of Defense to rapidly field innovative logistics systems such as the Associate Intermodal Platform pallet system.

Pages S12261, S12270

Levin (for Salazar) Modified Amendment No. 2942 (to Amendment No. 2011), to require a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado, and to require a master infrastructure recapitalization plan for Cheyenne Mountain Air Station. **Pages S12261, S12270**

Rejected:

By 26 yeas and 69 nays (Vote No. 356), Coburn Amendment No. 2196 (to Amendment No. 2011), to eliminate wasteful spending and improve the management of counter-drug intelligence.

Pages S12189, S12260–61

Pending:

Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute. **Page S12189**

Reid (for Kennedy) Amendment No. 3058 (to Amendment No. 2011), to provide for certain public-private competition requirements.

Pages S12189, S12271

Reid (for Kennedy) Amendment No. 3109 (to Amendment No. 3058), to provide for certain public-private competition requirements. **Pages S12271–73**

During consideration of this measure today, Senate also took the following action:

By 60 yeas to 39 nays (Vote No. 350), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Reid (for Kennedy/

Smith) Amendment No. 3035 (to the language proposed to be stricken by Amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Page S12205

The following motion and amendments fell when cloture was invoked on Reid (for Kennedy/Smith) Amendment No. 3035 (to the language proposed to be stricken by Amendment No. 2064):

Motion to recommit the bill to the Committee on Armed Services, with instructions to report back forthwith, with Reid Amendment No. 3038, to change the enactment date. **Pages S12189, S12258**

Reid Amendment No. 3039 (to the instructions of the motion to recommit), of a technical nature.

Pages S12189, S12258

Reid Amendment No. 3040 (to Amendment No. 3039), of a technical nature. **Pages S12189, S12258**

Warner (for Graham/Kyl) Amendment No. 2064 (to Amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects. **Pages S12189, S12258**

By 89 yeas to 6 nays (Vote No. 357), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute. **Pages S12270–71**

A unanimous-consent agreement was reached providing that at 5:30 p.m., on Monday, October 1, 2007, upon adoption of Nelson (NE) (for Levin) Amendment No. 2011, Senate vote on passage of the bill. **Page S12254**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Friday, September 28, 2007. **Page S12316**

House Messages:

Children's Health Insurance Program Reauthorization Act: By 67 yeas and 29 nays (Vote No. 353), Senate concurred in the amendments of the House to the amendments of the Senate to H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, after taking action on the following amendments proposed thereto, clearing the measure for the President:

Pages S12206–S12248, S12254–55

Withdrawn:

Reid Amendment No. 3071 (to the House amendments to Senate amendments to the text of H.R. 976), to change the enactment date.

Page S12255

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 30 nays (Vote No. 352), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the motion to concur in the House amendments to the Senate amendments to the bill.

Pages S12206–07

Reid Amendment No. 3072 (to Amendment No. 3071), of a perfecting nature, fell when Reid Amendment No. 3071 (listed above) was withdrawn.

Page S12255

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement; which was referred to the Committee on Finance. (PM–27)

Page S12284

Myers Nomination—Agreement: A unanimous consent agreement was reached providing that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security, it be sequentially referred to the Committee on the Judiciary for up to 30 calendar days and that if the nomination is not reported by the completion of that time the nomination be automatically discharged and placed on the executive calendar. **Page S12316**

Nominations Received: Senate received the following nominations:

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

Madonna Cynthia Douglass, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2013.

Douglas W. Webster, of Virginia, to be Chief Financial Officer, Department of Labor.

Routine lists in the Air Force, Army, Marine Corps. **Pages S12316–17**

Messages from the House: **Page S12284**

Measures Referred: **Page S12284**

Measures Read the First Time: **Page S12284**

Enrolled Bills Presented: **Page S12284**

Executive Communications: **Pages S12284–85**

Executive Reports of Committees: Pages S12285–87

Additional Cosponsors: Pages S12287–89

Statements on Introduced Bills/Resolutions: Pages S12289–94

Additional Statements: Pages S12282–83

Amendments Submitted: Pages S12294–S12312

Notices of Hearings/Meetings: Page S12312

Authorities for Committees to Meet: Pages S12312–14

Privileges of the Floor: Page S12314

Record Votes: Eight record votes were taken today. (Total—357) Pages S12205, S12206, S12206–07, S12255, S12257–58, S12261, S12271

Adjournment: Senate convened at 9 a.m. and adjourned at 9:57 p.m., until 10:30 a.m. on Friday, September 28, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12316.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Admiral Gary Roughead, United States Navy, for reappointment of the grade of Admiral and to be Chief of Naval Operations, General William E. Ward, United States Army, for reappointment to the grade of General and to be Commander, United States Africa Command, General Kevin P. Chilton, United States Air Force, for reappointment to the grade of General and to be Commander, United States Strategic Command, Lt. General James N. Mattis, United States Marine Corps, to be General and Commander, United States Joint Forces Command and Supreme Allied Commander for Transformation, and a promotion list of 4,970 in the Army, Navy, Air Force, and Marine Corps.

Prior to this action, Committee concluded a hearing to examine the nominations of Gen. William E. Ward, United States Army, for reappointment to the grade of General and to be Commander, United States Africa Command, Gen. Kevin P. Chilton, to be General, United States Air Force, for reappointment to the grade of General and to be Commander, United States Strategic Command, Lt. Gen. James N. Mattis, United States Marine Corps, to be General and to be Commander, United States Joint Forces Command and Supreme Allied Commander for Transformation, and Admiral Gary Roughead, United States Navy, for reappointment to the grade of Admiral and to be Chief of Naval Operations, who was introduced by Senator Inouye, after the nominees testified and answered questions in their own behalf.

AIRLINE DELAYS AND CONSUMER ISSUES

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine congestion and delays impacting travelers, focusing on possible solutions, after receiving testimony from Robert A. Sturgell, Acting Administrator, Federal Aviation Administration, D.J. Gribbin, General Counsel, and Calvin L. Scovel, III, Inspector General, all of the Department of Transportation; Bob Reding, American Airlines, Fort Worth, Texas; Joe Kolshak, Delta Airlines, Inc., Atlanta, Georgia; and Zane Rowe, Continental Airlines, Houston, Texas.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following:

S. 1578, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, with an amendment in the nature of a substitute;

S. 1889, to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, with an amendment in the nature of a substitute;

S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors, with amendments;

S.J. Res. 17, directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean;

S. Con. Res. 39, supporting the goals and ideals of a world day of remembrance for road crash victims; and

Sundry promotion lists in the United States Coast Guard.

HARD-ROCK MINING

Committee on Energy and Natural Resources: Committee concluded a hearing to examine hard-rock mining on federal lands, after receiving testimony from Jim Butler, Parsons, Behle, and Latimer, Salt Lake City, Utah; Dusty Horwitt, Environmental Working Group, Washington, D.C.; Timothy R. Snider, Freeport, McMoran, Cooper and Gold, Phoenix, Arizona,

on behalf of the National Mining Association; and John D. Leshy, Cambridge, Massachusetts.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, S. 189, to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan, S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania, S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, S. 1476, to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System, S. 867 and H.R. 299, bills to adjust the boundary of Lowell National Historical Park, S. 1709 and H.R. 1239, bills to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska, S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and S. 1039, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, after receiving testimony from Senators Levin and Allard; Representative Pascrell; Daniel N. Wenk, Deputy Director, National Park Service, Department of the Interior; Tom Brooks, Alaska Railroad, Anchorage; August R. Carlino, Steel Industry Heritage Corporation, Homestead, Pennsylvania; and Leonard A. Zax, Latham and Watkins LLP, Washington, D.C.

NATIONAL BORDER SECURITY

Committee on Finance: Committee concluded a hearing to examine the efficacy of national border security, focusing on vulnerabilities at unmanned and unmonitored United States border locations, after receiving testimony from Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office; Ronald Colburn, Deputy Chief of U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security; and Kenneth N. Luongo, Partnership for Global Security, Washington, D.C.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Committee on Foreign Relations: Committee concluded a hearing to examine the United Nations Convention on the Law of the Sea (T. Doc. 103–39), after receiving testimony from John D. Negroponte, Deputy Secretary of State; Admiral Patrick M. Walsh, USN, Vice Chief of Naval Operations, Department of the Navy, and Gordon England, Deputy Secretary, both of the Department of Defense.

MILITARY STRATEGIC AIRLIFT REQUIREMENTS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine cost effective military strategic airlift requirements in the 21st century, focusing on how to meet the strategic airlift demands of the United States in a cost effective way, after receiving testimony from Sue C. Payton, Assistant Secretary of the Air Force for Acquisition, and General Norton A. Schwartz, Commander, United States Transportation Command, both of the Department of Defense; Christopher Bolkcom, Specialist in National Defense, Congressional Research Service, Library of Congress; and Larry J. McQuien, Lockheed Martin Aeronautics Company, Washington, D.C.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following:

S. 2087, to amend certain laws relating to Native Americans to make technical corrections;

S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act;

S. 1347, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; and

The nominations of Kristine Mary Miller, of Colorado, Brenda L. Kingery, of Texas, Julie E. Kitka, of Alaska, Sonya Kelliher-Combs, of Alaska, and Perry R. Eaton, of Alaska, all to be Members of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

VIOLENCE AGAINST INDIAN WOMEN

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the prevalence of violence against Indian women, after receiving testimony from Alexandra Arriaga, Amnesty International U.S.A., Washington, D.C.; Tammy M. Young, Alaska Native Women's Coalition, Sitka; Karen Artichoker, Sacred Circle National Resource Center to End Violence Against Native Women, Rapid City, South Dakota; Riyaz A. Kanji, Kanji and Katzen, PLLC, Ann Arbor, Michigan; and Jami Rozell, Cherokee Nation, Tahlequah, Oklahoma.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S.J. Res. 13, granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding;

S. 980, to amend the Controlled Substances Act to address online pharmacies, with amendments;

S. Con. Res. 45, commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month;

S. Res. 258, recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation; and

The nomination of James Russell Dedrick, to be United States Attorney for the Eastern District of Tennessee.

Also, Committee began consideration of S. 2035, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, but did not complete action thereon, and recessed subject to the call.

GOOGLE-DOUBLECLICK MERGER

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine the Google-DoubleClick merger and the online advertising industry, focusing on the risks for competition and privacy, after receiving testimony from David Drummond, Google, Mountain View, California; Bradford L. Smith, Microsoft Corporation, Redmond, Washington; Thomas M. Lenard, Progress and Freedom Foundation, and Marc Rotenberg, Electronic Privacy Information Center (EPIC), both of Washington, D.C.; and Scott Cleland, Precursor, LLC, McLean, Virginia.

NOMINATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine the nomination of Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 3678–3706; and 11 resolutions, H.J. Res. 54; H. Con. Res. 220; and H. Res. 685–693 were introduced. **Pages H11026–28**

Additional Cosponsors: **Pages H11028–29**

Reports Filed: Reports were filed today as follows:

H.R. 2740, to require accountability for contractors and contract personnel under Federal contracts, with an amendment (H. Rept. 110–352);

H.R. 400, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, with an amendment (H. Rept. 110–353);

H.R. 928, to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General and to create a Council of the Inspectors General on Integrity and Efficiency, with an amendment (H. Rept. 110–354); and

Interim Report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 (H. Rept. 110–355). **Page H11026**

Speaker: Read a letter from the Speaker wherein she appointed Representative Blumenauer to act as Speaker Pro Tempore for today. **Pages H10941**

Chaplain: The prayer was offered by the guest Chaplain, Rev. James T. Golden, Ward Temple A.M.E. Church, Bradenton, Florida. **Page H10941**

Motion to Adjourn: Rejected the Sessions motion to adjourn by a yea-and-nay vote of 175 yeas to 229 nays, Roll No. 914. **Page H10952**

Flood Insurance Reform and Modernization Act of 2007: The House passed H.R. 3121, to restore the financial solvency of the national flood insurance

program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, by a yea-and-nay vote of 263 yeas to 146 nays, Roll No. 921.

Pages H10956–94

Rejected the Bachmann motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 179 ayes to 232 noes, Roll No. 920. **Pages H10991–93**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of H. Rept. 110–351, shall be considered as adopted in the House and in the Committee of the Whole and shall be considered as the original bill for the purpose of further amendment. **Page H10966**

Accepted:

Frank (MA) manager's amendment (No. 1 printed in part B of H. Rept. 110–351) that (1) requires that homes insured by wind/water policies comply with existing model building codes from the International Code Council pursuant to request from the National Association of Home Builders; (2) requires that specific technologies be used for mapping floodplains; (3) adds a professional mapping association to the Mapping Advisory Council; (4) prohibits FEMA from enforcing penalties assessed against individual condo owners where the condo complex is underinsured regarding flood coverage; (5) directs FEMA to develop a plan to verify that the recipients of Homeowner Assistance Grants in Mississippi and Road Home Grants in Louisiana, funded by HUD Community Development Block Grants, maintain flood insurance on their properties as required as a condition of the grants; and (6) codifies recommendations in a recently released GAO report with respect to the National Flood Insurance Program's payments to insurance companies for their administrative costs without requiring the companies to report their costs or to comply with the existing audit requirements; **Pages H10972–73**

Cardoza amendment (No. 2 printed in part B of H. Rept. 110–351) that states that people forced to purchase flood insurance as a result of the new map who have lived in an area where the levees were previously certified, and have now been decertified, will receive a grace period of 5 years in which they will be entitled to a 50% reduction in their flood insurance premium while the levees are being recertified;

Pages H10973–75

Castor amendment (No. 3 printed in part B of H. Rept. 110–351) that commissions a study by the GAO to examine the effect of the new multiperil policy on state insurance programs; **Pages H10975–77**

Castor amendment (No. 4 printed in part B of H. Rept. 110–351) that clarifies some of the priorities for wind risk criteria generation; **Pages H10977–78**

Blumenauer amendment (No. 5 printed in part B of H. Rept. 110–351) that requires FEMA, when updating and maintaining flood maps, to take into consideration the impacts of global warming, the potential future impacts of global climate change-related weather events, and use the best available climate science in assessing flood and storm risks;

Pages H10978–80

Murphy (PA) amendment (No. 6 printed in part B of H. Rept. 110–351) that creates the position of National Flood Insurance Advocate in FEMA which: (1) transmits a comprehensive report to Congress about the major problems facing the Flood Insurance Program; and (2) reports to Congress about the feasibility and effectiveness of establishing an Office of the Flood Insurance Advocate, headed by the National Flood Insurance Advocate, to assist insureds in resolving problems with FEMA; **Pages H10980–82**

Taylor amendment (No. 7 printed in part B of H. Rept. 110–351) that allows multiple peril and flood insurance coverage of apartment buildings up to the total of the number of dwelling units times the maximum coverage limit per residential unit (by a recorded vote of 268 ayes to 143 noes, Roll No. 919); **Pages H10982–86, H10991**

Taylor amendment (No. 8 printed in part B of H. Rept. 110–351) that prohibits a company that sells and services flood insurance policies from including language in its own windstorm policies that would exclude coverage of wind damage solely because flooding also contributed to the damage and also requires the contract between an insurance company and NFIP to state that the company has a fiduciary responsibility to federal taxpayers and will act in the best interests of NFIP; **Pages H10986–87**

Costello amendment (No. 9 printed in part B of H. Rept. 110–351) that provides that no changes in flood insurance status can go into effect until the remapping process is completed for the entire district of the Corps of Engineers affected by that map;

Pages H10986–87

Gene Green (TX) amendment (No. 10 printed in part B of H. Rept. 110–351) that provides a five year phase-in of flood insurance premiums for low-income homeowners or renters whose primary residence is placed within a flood plain through an updating of the flood insurance program maps if the value of the home does not exceed 75% of the state median home value; **Pages H10987–88**

Berry amendment (No. 11 printed in part B of H. Rept. 110–351) that authorizes the Director of FEMA to include a note on flood insurance rate maps identifying 100-year and 500-year certified

levees and encouraging property owners to evaluate their risk of flooding and also clarifies that the note shall not be considered a legal requirement of participation in the national flood insurance program; **Pages H10988–89**

Walz (MN) amendment (No. 12 printed in part B of H. Rept. 110–351) that adds to the flood map modernization provisions of the bill a requirement that FEMA map areas in the 100-year floodplain that would flood if not for a ''levee, dam, or other man-made structure''; and **Pages H10989–90**

Stark amendment (No. 13 printed in part B of H. Rept. 110–351) that requires written notification by first class mail to each property owner affected by a proposed change in flood elevations, prior to the 90-day appeal period; notification would include an explanation of the appeal process and contact information for responsible officials. **Pages H10990–91**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H10994**

H. Res. 683, the rule providing for consideration of the bill, was agreed to by a recorded vote of 220 ayes to 188 noes with 1 voting ''present'', Roll No. 918, after agreeing to order the previous question by a recorded vote of 220 ayes to 193 noes with 1 voting ''present'', Roll No. 917. **Pages H10946–53, H10955–56**

Small Business Investment Expansion Act of 2007: The House passed H.R. 3567, to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, by a yea-and-nay vote of 325 yeas to 72 nays, Roll No. 923. **Pages H10994–H11008**

Rejected the Walberg 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 183 yeas to 213 nays, Roll No. 922. **Pages H11006–08**

Accepted:

Chabot amendment (No. 1 printed in H. Rept. 110–350) that establishes a bright line standard of majority stock ownership for determining whether a venture capital company is affiliated with the companies in which it invests; **Pages H11004–05**

Inslee amendment (No. 2 printed in H. Rept. 110–350) that expands the definition of operational assistance in Section 351 of the Small Business Investment Act to include assistance to help small businesses achieve energy efficiency and implement sustainable practices that reduce the use of non-renewable resources or minimize environmental impact and reduce overall costs and increase health of employees; and **Page H11005**

Inslee amendment (No. 3 printed in H. Rept. 110–350) that directs the SBA Administrator to give consideration to investments for small businesses that are creating new technologies, manufactured goods, or materials, or providing services to reduce carbon emissions in the U.S., reduce the use of non-renewable resources, minimize environmental impact and relate people with the natural environment. **Pages H11005–06**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H11008**

H. Res. 682, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 181 nays, Roll No. 916, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 190 nays, Roll No. 915. **Pages H10944–46, H10954–55**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, October 3rd. **Page H11009**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, October 1st for morning hour debate. **Page H11002**

Presidential Message: Read a message from the President wherein he transmitted legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement—referred to the Committee on Ways and Means and ordered printed (H. Doc. 110–60). **Page H11004**

Senate Message: Message received from the Senate today appears on pages H10941 and H11025

Senate Referrals: S. 2085 was referred to the Committee on Energy and Commerce. **Page H11025**

Quorum Calls—Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H10952, H10954, H10954–55, H10955, H10956, H10991, H10993, H10994, H111007, and H11008. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 8:40 p.m.

Committee Meetings

VIRGINIA RIDGE AND VALLEY ACT OF 2007

Committee on Agriculture: Held a hearing to review H.R. 1011, Virginia Ridge and Valley Act of 2007. Testimony was heard from Joel Holtrop, Deputy Chief, State and Private Forestry, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 20, amended, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; H.R. 2295, amended, ALS Registry Act; H.R. 507, amended, Vision Care for Kids Act of 2007; H.R. 1727, amended, Christopher and Dana Reeve Paralysis Act; H.R. 970, Dextromethorphan Distribution Act of 2007; H.R. 814, amended, Children's Gasoline Burn Prevention Act; H.R. 1699, amended, Danny Keysar Child Product Safety Notification Act; H.R. 2474, amended, Product Safety Civil Penalties Improvement Act; and H.R. 1721, amended, Virginia Graeme Baker Pool and Spa Safety Act.

SEC PROXY ACCESS PROPOSALS

Committee on Financial Services: Held a hearing entitled ''SEC Proxy Access Proposals: Implications for Investors.'' Testimony was heard from Donald Kirshbaum, Principal Investment Officer, Policy, Office of the Treasurer, State of Connecticut; and public witnesses.

CREDIT RATING AGENCIES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''The Role of Credit Rating Agencies in the Structured Finance Market.'' Testimony was heard from public witnesses.

INTELLIGENCE FUSION CENTERS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk held a hearing entitled ''The Way Forward with Fusion Centers: Challenges and Strategies for Change.'' Testimony was heard from Ellen Larence, Director, Homeland Security and Justice, GAO; Jack Tomarchio, Principal Deputy Assistant Secretary, Intelligence and Analysis, Department of Homeland Security; Michael Mines, Deputy Assistant Director, Directorate of Intelligence, FBI, Department of Justice; the following officials of the Congressional Research Service, Library of Congress: Todd Masse, Specialist, Domestic Intelligence and Counterterrorism; and John Rollins, Specialist, Terrorism, International Crime, Intelligence, and Homeland Security; and Norman Beasley, Coordinator for Counter Terrorism, Maricopa County Sheriff's Office, Arizona.

SUNSHINE IN THE COURTROOM ACT OF 2007

Committee on the Judiciary: Held a hearing on H.R. 2128, Sunshine in the Courtroom Act of 2007. Testimony was heard from Representative Poe; Judge Nancy Gertner, U.S. District Court, Massachusetts; Judge John R. Tunheim, District Judge, U.S. District Court, District of Minnesota and Chair, Committee on Court Administration, Judicial Conference of the United States; John Richter, U.S. Attorney, Western District of Oklahoma, Department of Justice; and public witnesses.

AQUATIC NUISANCE SPECIES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans held an oversight hearing entitled ''Aquatic Nuisance Species and Activities of the Aquatic Nuisance Species Task Force.'' Testimony was heard from Mamie Parker, Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; Timothy R.E. Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, NOAA, Department of Commerce; Larry Riley, Assistant Director for Wildlife, Department of Game and Fish, Arizona; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 830, Denali National Park and Alaska Railroad Land Exchange Act of 2007; H.R. 2094, To provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission; and H.R. 3111, Port Chicago Naval Magazine National Memorial Enhancement Act of 2007. Testimony was heard from Representatives Young of Alaska, George Miller of California and Moore of Kansas; Bill Shaddox, Acting Associate Director, Park Planning, Facilities and Lands, National Park Service, Department of the Interior; and public witnesses.

CLIMATE CHANGE'S NATIONAL SECURITY IMPACT

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on the National Security Implications of Climate Change. Testimony was heard from Kent H. Butts, Director, National Security Issues, Center for Strategic Leadership, U.S. Army War College, Department of Defense; and public witnesses.

SMALL BUSINESS PROGRAMS FUNDING

Committee on Small Business: Held a hearing on small business programs funding levels. Testimony was heard from Jovita Carranza, Deputy Administrator, SBA; and public witnesses.

KENNEDY CENTER REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development Public Buildings and Emergency Management held a hearing on

the John F. Kennedy Center Reauthorization. Testimony was heard from Michael M. Kaiser, President, John F. Kennedy Center for the Performing Arts.

VA GRANT AND PER DIEM PROGRAM

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on VA Grant and Per Diem Program. Testimony was heard from Daniel Bertoni, Director, Education, Workforce, and Income Security Issues, GAO; Peter Dougherty, Director, Homeless Veterans Programs, Department of Veterans Affairs; and George Basher, Chair, U.S. Department of Veterans Affairs Advisory Committee on Homeless Veterans and Director, Division of Veterans' Affairs, State of New York; and public witnesses.

BRIEFING—CIA ACTIVITIES

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to receive a briefing on Overview On CIA Activities. The Subcommittee was briefed by departmental witnesses.

COMMITTEE ORGANIZATION; INTERIM REPORT; VOTING IN THE HOUSE

Select Committee to Investigate the Voting Irregularities of August 2, 2007: Met for organizational purposes.

The Committee approved an Interim Report, required by H. Res. 611, Raising a question of the privileges of the House, to be filed with the House of Representatives by September 30, 2007.

The Committee also held a hearing on voting in the House of Representatives. Testimony was heard from the following officials of the Office of the Clerk: Lorraine C. Miller, Clerk; and Russell Gore, Legislative Counsel to the Clerk.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 1241)*

H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. Signed on September 27, 2007. (Public Law 110–84)

H.R. 3580, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs. Signed on September 27, 2007. (Public Law 110–85)

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 28, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the role of Federal Executive Boards in pandemic preparedness, 10 a.m., SD–342.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10:30 a.m., Friday, September 28

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 1585, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, October 1

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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