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House of Representatives

The House met at 10 a.m.

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

Let the Nation be the land of promise and the citadel of freedom for the world. Let all the people rejoice to find the Lord their God in their midst.

It is not only our children who live with dreams and take delight in this season filled with blessing. Lord, all Your people look to Your visitation which takes away the dark days and fills them with light. Older and wiser, understanding, Your full embrace of our humanity, we seek deeper truth and lasting gifts.

Stir again within us the longing for family life secure in faithfulness. Give us brazen dignity in the work undertaken and achieved. Freed from the discontent of false expectations, bless us with the contentment that the reality of Your love reveals to us.

Let the feast begin when heaven and Earth are united in the song ''A Child is born for us.'' ''The Word becomes flesh.'' Divine presence is found in our midst.

Promises and oaths fulfilled, You prove Yourself our lasting hope, Lord. For You are the Lord our God and have become all in all, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. BOOZMAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2260. An act to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

The message also announced that the Senate has agreed to concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 53. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. Con. Res. 61. Concurrent resolution providing for conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

S. Con. Res. 62. Concurrent resolution to correct the enrollment of H.R. 660.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

A GREAT YEAR IN CONGRESS

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

Mr. COHEN. Madam Speaker, today, this Congress will adjourn. I want to thank the people of the Ninth District of Tennessee for giving me the honor to represent them in this Congress.

From the first vote that we, as freshmen, took to break the glass ceiling and elect Speaker PELOSI to whatever the last vote is today, during this year we passed historic legislation on energy, on ethics, and the environment. We've done things on children's health care that hasn't come to fruition, but we've tried, and the same thing in ending the war.

This has been a Congress that has tried to accomplish a lot, has accomplished some, brought change for the American people, and will continue to do so next year.

I have had the honor to stand up in my district for The MED, for LeMoyne-Owen College, for the COPS program, for Blue Cross at the University of Memphis, and for our largest employer, Federal Express.

Madam Speaker, it's been a grand year. I am proud to be a Member of this United States Congress and to represent this great country.

God bless the United States of America.

IN RECOGNITION OF GEORGE HARPER

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

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Mr. WILSON of South Carolina. Madam Speaker, I rise today to wish a fond farewell to a member of the Second District staff, George Harper. George has been a member of our team for almost 2 years, and he has brought a strong level of professionalism and personal integrity to the job. I am happy to report that George will not be traveling far as he joins Congressman JON PORTER's office as a legislative assistant.

A graduate of the University of Nebraska, George first came to Capitol Hill as a summer intern in the office of Senator JIM DEMINT of South Carolina. After serving as a deputy legislative assistant to Senator CHUCK HAGEL of Nebraska, he joined our office, first as a scheduler and then as legislative correspondent.

George's hard work, dedication and pleasant demeanor have made him an invaluable member of our staff as we work hard to address the needs and concerns of the people of the Second Congressional District. Our office will miss George tremendously. And we wish him all the best in all his future endeavors.

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

HONORING THE HEROICS OF HASSAN ASKARI

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

Mr. CROWLEY. Madam Speaker, I rise to applaud the bravery of a young man, Hassan Askari. On December 9 of this year, Hassan Askari risked his own safety and his life to defend a group of strangers who were attacked on a New York City subway.

What started as an exchange of Merry Christmas and Happy Hanukkah between two fellow passengers ignited into a violent exchange of anti-Semitic slurs and violence.

A group of men and women attacked the Jewish passengers, and only one passenger came to their defense, Hassan Askari. Hassan, like the men he was trying to help, was beaten and pummeled by the attackers. But as he said with regard to his actions, ''I believe we are all members of one family, and my religion teaches me always to come to the aid of my fellow man in distress.''

Hassan is a Muslim from Bangladesh. He was taught, as we all should be, that we are humans first, first and foremost. And no matter what our faith or race, we should treat each other with respect.

Hassan's actions on the subway were human nature at its best, and I applaud him for interceding to stop a senseless act of violence and hate. I hope his actions will serve as an example for all of us.

PASS A CLEAN AMT FIX

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

Ms. FOXX. Madam Speaker, how much longer do American taxpayers have to wait for Congress to pass a sensible and fair fix to the alternative minimum tax? This highly punitive tax, originally intended to catch only the worst of tax scofflaws, will hit 23 million middle-class taxpayers next year if Congress doesn't act now. Unfortunately, the majority's delay tactics have already caused a cascade effect that will delay the tax refunds of 50 million Americans. If Congress keeps stalling, things will go from bad to worse.

The Senate already rejected a poorly conceived plan that temporarily patches the AMT, but on the condition of enacting a permanent tax hike. Only in Washington does it make sense to make a temporary 1-year tax patch and counter it with a permanent tax hike.

Let's stop the charade and pass an AMT fix that protects millions of middle-class Americans from a huge tax increase. If Congress delays any longer, those 23 million taxpayers will be saddled with an unexpected and severe $2,000 tax increase.

The Senate sent us a clean AMT bill nearly 2 weeks ago. Before we go home, we need to do the right thing and pass it. American taxpayers deserve no less.

COACH BROYLES

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

Mr. SNYDER. Penn, my 18-month-old little boy, thanks to his mother's teachings, can now do the official signs for touchdown, illegal procedure, blocking the back, and of course his favorite, Who is number one? The Arkansas Razorbacks.

I say thanks to his mother because, while she is now a full-time Methodist minister, I am convinced for several decades of her life the Holy Trinity was the Father, the Son and the Holy ''Coach,'' with the coach, of course, being Frank Broyles of the Arkansas Razorbacks.

Coach Broyles' career is coming to an end at the end of this month as both a great coach and an outstanding athletic director. He has also been very active and may have visited with Members here in the Congress about his work on behalf of Alzheimer's research and the treatment with respect and dignity of Alzheimer's patients.

We wish Coach Broyles well as his career is ending, although it wouldn't surprise me that another college might try to pick him up.

IN HONOR OF JOHN FRANKLIN ''FRANK'' BROYLES, UNIVERSITY OF ARKANSAS

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

Mr. BOOZMAN. Madam Speaker, I proudly rise with my Arkansas colleagues this morning to recognize a man who meant a great deal in my life and a great deal to those who are fans of college football and the University of Arkansas.

I rise to honor the legacy and career of Frank Broyles, the athletic director of the university and former head football coach who will end his 50-year run with the Razorbacks on December 31.

Frank Broyles is an icon in Arkansas and a legend in the world of collegiate athletics. His new mission, among other things, will be to educate Americans on caring for loved ones suffering with Alzheimer's.

The names of those associated with Coach Broyles are impressive: Jerry Jones, Jimmy Johnson, Barry Switzer, Johnny Majors, Joe Gibbs, Raymond Berry, and the list goes on and on, all played or coached for Broyles over his career. He even teamed with the legendary broadcaster Keith Jackson for several years to bring the college games to our homes every weekend.

I will be forever proud to be a Razorback and to have had the opportunity to be one under Coach Broyles. I congratulate him on his career, and sincerely thank him for his service to the great State of Arkansas. And as we say in Arkansas, Wooo, Pig Sooey.

PAYING TRIBUTE TO COACH BROYLES

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

Mr. BERRY. Madam Speaker, first, I would encourage everyone to remember our men and women in uniform and their families and reach out to them.

The Arkansas delegation rises this morning to pay tribute to a man that has made magnificent contributions to the State of Arkansas, to college athletics, to this country. His leadership, working together with the people of Arkansas, has demonstrated the great value of the people working together for the common good.

His contributions are unmatched. He has demonstrated beyond a shadow of a doubt the value of integrity and decency, always take the high road. He has made us all very proud to be Razorbacks, as has just been alluded to from my colleague in northwest Arkansas, but he has also demonstrated to the human race what it means to not only be a Razorback, but to be a man of great class and integrity and always take the high road.

□ 1015

BURMA

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

Mr. PITTS. Madam Speaker, the world has watched over recent months as the brutal dictatorship in Burma has arrested and killed Buddhist monks and democracy activists and as it continues to attack, rape and kill ethnic minorities. The House has just passed an excellent bill imposing further sanctions on Burma, the JADE Act.

Amazingly, in the Senate, leading Democrats don't want the House version of the bill. Instead, they want to allow for cash money to go to the ruling regime for humanitarian purposes. Hello? Aid that goes through the regime does not get to the people of Burma. The rulers simply enrich themselves with any moneys coming into the country.

In addition, certain Senators wish to give the Treasury Department an opening one could drive a Mack truck through so that Treasury could make any regulation it likes regarding U.S. money going into Burma. I hope those Senators will read the reports and look at the photos from Burma. The democracy activists, monks and ethnic minorities are the ones who should get our support, not the brutal military regime.

RECOGNIZING ATHLETIC DIRECTOR AND FORMER COACH FRANK BROYLES ON HIS RETIREMENT FROM THE UNIVERSITY OF ARKANSAS

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

Mr. ROSS. Madam Speaker, as he prepares for retirement at the end of this year, it is impossible to think about Razorback athletics and imagine what it would be like without Coach Frank Broyles. His achievements on the field are numerous and distinctive. However, it is his battle off the field that inspires me even more. In 1999, Coach Broyles' wife was diagnosed with Alzheimer's disease and, needless to say, this battle changed his family forever. Studying defenses on the football field for decades prepared Coach Broyles as he looked for a way to attack perhaps his greatest challenge yet.

After years of caring for his wife and receiving calls and letters from supporters, he sat down and compiled his most impressive playbook ever: ''The Coach Broyles' Playbook for Alzheimer's Caregivers: A Practical Tip Guide.'' His playbook has helped countless families caring for loved ones with Alzheimer's, letting them know that their fight with this disease is not something they must face alone. In 2004, Coach Broyles' wife, Barbara Broyles, succumbed to the disease, which still has no cure.

His accomplishments in college football will never be forgotten, but the hope and faith he has given to families across this Nation coping with Alzheimer's will leave a lasting impact on our society for generations to come.

EARMARKS FOR REELECTION CAMPAIGNS

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

Mr. FLAKE. Madam Speaker, one of my astute colleagues recently said, ''One of the toughest parts of being a Member of Congress is remembering what we are supposed to be outraged about.'' I thought about this yesterday when I heard the report that surprise, surprise, earmarks were being used to help Members get reelected. The reason that is treated with kind of a ho-hum is because, as it turns out, that is one of the more noble explanations as to why earmarks are used.

With the reporting that is going on about earmarks being tied to campaign contributions, or chairmen, or people in leadership positions getting tens of millions of dollars in earmarks for favored companies or organizations in their district, it seems that we have simply gone too far when we don't recognize this as a problem.

I would call on my colleagues in the new year to have a moratorium on earmarks. Let's put a brake on this process until we can put a process in place to adequately vet these. There is no noble purpose for the contemporary practice of earmarking. Try as we might, we aren't coming up with one.

THE DEMOCRATIC YEAR IN REVIEW

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

Ms. SCHWARTZ. The first year of the new Democratic majority is coming to a close, and we have already set our Nation in a new direction. We increased the minimum wage, improving the lives of millions of American workers. We increased fuel efficiency standards and set a new path for energy independence that will create new jobs and enhance our economic competitiveness. We enacted the largest college financial aid expansion since 1944, bringing the American Dream within the reach of millions of children in our country. And we are about to pass the largest increase in veterans health care in American history in honor of the service and commitment of all of our veterans.

We accomplished all of this in spite of the stubborn resistance of Republican obstructionists who have tried to undermine our efforts at every opportunity. We did this despite the President's refusal to compromise.

This year is coming to a close, but our commitment to change will continue. Hard-working American families can be assured that when we return in January, the Democratic majority will continue to fight for their and our priorities.

Best wishes for a happy, healthy, secure and hopeful new year to all Americans. God bless our great Nation.

THE OKLAHOMA STANDARD

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

Ms. FALLIN. Madam Speaker, this past week the State of Oklahoma experienced a severe ice storm that left over 600,000 homes and businesses without power or heat. As you can imagine, Oklahomans have had a very challenging time. Today, I want to thank the people of Oklahoma for helping each other and commend the various generous volunteers and organizations that came to their aid.

Since the disaster of the Murrah Federal Building in 1995, the people of my great State are said to have created what is known as ''the Oklahoma standard,'' rallying to help each other in times of need, and certainly this past week, to week and a half, has been no exception.

I want to personally thank Governor Henry and President Bush for working together to ensure that the proper Federal aid disaster relief has come to Oklahoma. And I would also like to commend the State Office of Emergency Management, FEMA representatives and the State Corporation Commission who kept us informed and on track as power loss was reported and power was restored.

I especially want to commend the utility crews who worked tirelessly in their efforts to restore power. I want to thank the hundreds of utility workers from other States who came to help. Thank you for leaving your homes and families during this holiday season.

Madam Speaker, there are so many organizations to thank who went above and beyond to help the State of Oklahoma, churches, synagogues and charities. The Southern Baptist Convention, United Way of Central Oklahoma, the Salvation Army and the Red Cross, to name just a few, worked to provide food, shelter and other supplies, and all went beyond their usual call of duty to clear the road to recovery.

Thank you so much, and may God bless you.

MINERALS MANAGEMENT SERVICE REFORM

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

Mr. BRALEY of Iowa. Madam Speaker, I rise today to express my serious concerns that inadequate oversight, deficient procedures, and ethical lapses at the Department of Interior's Minerals Management Service (MMS) are costing the Federal Government millions of dollars each year.

The MMS is responsible for negotiating, implementing and overseeing all

Federal leases for resources removed by private companies from public lands, and it is supposed to be a guardian of our Nation's precious public resources.

Unfortunately, evidence suggests that the cozy relationships between MMS officials and oil and gas companies have allowed these companies to underreport the resources they remove from Federal lands and underpay the royalties they owe to the Federal Government. Evidence that MMS has failed to detect and pursue these violations by oil and gas companies is especially troubling as gas prices continue to rise, corporations make record profits, and average Americans are struggling to fill their gas tanks and make ends meet.

Most hard-working, taxpaying Americans would be outraged to know that these companies are cheating the Government out of these royalties which are a critical source of revenue for the U.S. Treasury and which would allow us to invest in other priorities.

IN RECOGNITION OF THE EXTRAORDINARY SERVICE OF JANIE GALMON

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

Mr. DREIER. Madam Speaker, it is a great honor, we all know, to represent the American people here in the people's House. We all work long hours. We spend a great deal of time here. And I would like to, at this moment, mark the extraordinary service of a woman who has chosen to retire after nearly 50 years of working here in the Capitol. I am referring, of course, to the very famous Janie Galmon.

My colleagues may not know her last name, but they are very familiar with Janie's fried chicken, which has been prepared for us on Wednesdays on a regular basis. She is someone who was working in this Capitol when President Kennedy was assassinated, and she regularly has shared with us stories about that.

She always showed up to work at 5 a.m. regardless of how late we were in the night before. We could be here, and she can be working downstairs midnight, 1 o'clock, but she was always back here coming in with our friend, Sally, at 5 o'clock in the morning.

She has provided extraordinary service and sustenance to so many of us. Janie, after a half century, has chosen to retire. I want to wish her congratulations, a very happy retirement, and a very, very merry Christmas.

CARING FOR OUR NATION'S VETERANS

(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. Madam Speaker, first let me wish a happy and safe holiday to all our men and women in uniform who are serving here and abroad.

After watching the Department of Veterans Affairs face a $1 billion shortfall during a time of war, I came into this Congress convinced that if we had the money to fight a war, we must have the money to treat the warrior.

One of the first votes that this Congress took was to increase funding for the Department of Veterans Affairs. And one of our last votes of the year will be to provide $6.7 billion in new funding to the Department to ensure that our Nation's veterans get the care they have earned.

The way the government spends its money is a true indication of its priorities. With this appropriations bill, our new Congress has shown that America's veterans are a top priority.

CONGRATULATING MAYOR CECIL PRUETT

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

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor and to congratulate Mayor Cecil Pruett of Canton, Georgia, on a tremendous career and a well-deserved retirement. A true public servant and outstanding leader, Mayor Pruett will be retiring this month after 12 years as mayor of the City of Canton in Cherokee County, Georgia.

Mayor Pruett has always strived to better his community, and his broad experience has served his constituents well. The mayor was formerly the president of the Georgia Municipal Association, president of the Cherokee County Chamber of Commerce, and a member of the Atlanta Regional Executive Committee.

An educator, he remains active in leadership posts at Reinhardt College, Georgia Baptist Children's Home, North Georgia Regional Development Center, and his own church where he serves as a deacon.

Mayor Pruett oversaw substantial economic growth in Canton over his 12 years, but he has always worked to preserve the small town charm that is a hallmark of Cherokee County. A southern gentleman in every way, Mayor Pruett and his honest leadership will be sincerely missed. We wish Cecil and his wife, Myrna, a happy and a healthy retirement.

DEMOCRATIC ACHIEVEMENTS OVER THE LAST YEAR

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

Mr. HODES. Madam Speaker, as we prepare to complete this first year of the new Democratic Congress, I would like to take a moment to reflect on some of the major accomplishments that we have achieved on behalf of the American people. As a member of the majority makers, the historic class of 2006, we have helped to restore integrity, idealism and imagination to the people's House. We increased the minimum wage for the first time in a decade and fully implemented the 9/11 Commission recommendations to better protect our Nation.

Since then, we have worked to ease the financial burdens that middle-class families face, passing the most sweeping college affordability package in more than 60 years, and yesterday, we approved an historic energy bill to declare our energy independence and help us address global warming, saving Americans anywhere from $700 to $1,000 a year in gas prices.

Madam Speaker, I am proud to stand with fellow Democrats for an American agenda, real security, healthy families, a thriving economy, with opportunity for all, not just a few at the top, and a sustainable future for our planet. I look forward to 2008.

SCHIP

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

Mrs. BLACKBURN. Madam Speaker, it is so interesting to look at today's Whipping Post and see the myriad and vast range of the issues that are coming before us. And many of these are issues that should have been addressed months ago.

One of those that we are going to address first off this morning will be S. 2499. This is an issue that is going to deal with Medicare, Medicaid and SCHIP, the State Children's Health Insurance Program. This should have been handled months ago. It has been running under a continuing resolution.

Madam Speaker, I am so pleased that the congressional leadership has decided to finally take the politics out of this and to support SCHIP as it was currently put in place in 1997 by a Republican Congress and to keep the focus on children of the working poor who need access to health care.

I support this bill, and I encourage my colleagues to do likewise and to continue to support SCHIP as it was originally put in place in 1997 by a Republican Congress.

□ 1030

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE ECONOMY IS STRONG

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

Mr. ELLISON. Madam Speaker, earlier this week President Bush showed us that his view of the economy does not match that of the overwhelming majority of Americans. That is when he tried to convince the Nation that the economy was strong for everyone.

Does the President realize that on his watch, poverty has increased every single year, and that overall household income has decreased?

Does the President realize that at a time when Americans have less money in their wallets, they are trying to squeeze every dollar to pay higher food, gas, education and health care bills?

Madam Speaker, how bad does the economy have to get for the average working man and woman before the President realizes that there is a problem?

This Democratic Congress is not satisfied with the status quo. Over the last year, we have made progress to ease the economic crunch for middle-class, working-class families. We have passed legislation to make college education more affordable, increased the minimum wage, addressed the subprime mortgage crisis, and cut taxes for middle-class families.

We are proud of these accomplishments. We also realize that with most Americans struggling, this economy is just not working.

DEMOCRATIC CONGRESS ONCE AGAIN SUPPORTS ENERGY INDEPENDENCE AND SECURITY

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

Mr. CLEAVER. Madam Speaker, yesterday the Democratic Congress once again supported energy independence and security. This legislation, which the President is now expected to sign, includes an historic increase in fuel economy standards for vehicles and significant new support for alternative fuels.

This comprehensive Democratic energy bill provides a dramatic shift in our Nation's energy policy, including new standards for buildings, homes, lighting and appliances, and makes great strides in our fight against global warming. It is also something that we can feel good about, because it reduces the price at the pump through increased efficiency standards that reach 35 miles per gallon by 2020. This is the first increase in CAFE standards in 32 years and will save the average driver between $700 and $1,000 a year.

Madam Speaker, the protection of our environment is both a spiritual and moral issue, and Congress has failed for too many years to address this issue. I am proud that the Democratic Congress has worked to bring this historic legislation to the floor.

DEMOCRATS CONTINUE TO MOVE OUR NATION FORWARD, BUT PRESIDENT BUSH IS BLOCKING THE WAY

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

Mr. ARCURI. Madam Speaker, all year this Democratic Congress has worked to live up to our promise to move the Nation in a new direction. In many ways, we have been successful, raising the minimum wage, fully implementing the 9/11 Commission recommendations, and making college more affordable. We are proud of these accomplishments, but there are many other important bills that have been passed with strong bipartisan support here in Congress, only to be vetoed by President Bush.

We sent the President a bipartisan bill that restored harmful cuts to No Child Left Behind, job training programs, and research grants for cures for life-threatening diseases. President Bush said no with his veto pen.

We sent him a bipartisan bill that would ensure 10 million children have access to quality health care. President Bush said no with his veto pen.

We sent him a bill that would bring our troops home from Iraq by the end of next year. Again, President Bush said no with his veto pen.

Madam Speaker, President Bush has stood in the way of real progress, but know that we in Congress will continue to fight to move our Nation in a new direction.

IN STRONG SUPPORT OF THE ENERGY INDEPENDENCE AND SECURITY ACT

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

Mr. CARNAHAN. Madam Speaker, I rise today in strong support of the energy bill that will finally take our energy policy in a new direction, and I urge the President to sign it into law. This bill makes a big step toward greater energy independence and energy security.

The bill includes an historic increase in fuel economy standards, the first since 1975. This increase will save American families an estimated $700 to $1,000 a year at the pump and reduce our dependence on foreign oil. We must pursue an energy policy that moves the U.S. towards energy independence, reduces the cost of gasoline to consumers, enhances the development of alternative energy, and substantially reduces threats of global warming.

This bill also sends a clear signal to the rest of the world that the U.S. is finally serious about getting our energy and environmental policy in order. However, we still have more work to do on this issue, and this new Congress is committed to get the job done.

A COMMITMENT TO PASSING A GOOD SCHIP PROGRAM

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

Ms. SHEA-PORTER. Madam Speaker, I first want to thank Speaker PELOSI, Majority Leader HOYER and all the Members who are so committed to the SCHIP program. This Congress sent the President very good legislation that would have ensured that millions of low-income children of hardworking Americans could keep health coverage, and it would allow States to enroll millions more who qualified for the CHIP program but aren't covered because the States have not received enough funding. We also had a way to pay for this.

But each time, the President has vetoed that legislation, and here in Congress a number of my colleagues on the other side of the aisle continue to stand with the President blocking the way for this vital program to reach more children. We wanted to insure 10 million children. The President and the Republican leaders only want to insure 6 million children. And that is the crux of the problem here.

Today, we will extend the SCHIP program through March of 2009, but an important aspect of these earlier bills is not included. This past August, the Center for Medicare and Medicaid Services issued a directive to State SCHIP directors effectively informing them that they would no longer be able to insure children in families where incomes exceed 250 percent of the poverty level, $43,000 for a family of three. This is a tragedy, and we will fix it.

TRIBUTE TO THE HONORABLE TRENT LOTT

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

Mr. BARTON of Texas. Madam Speaker, I hadn't intended to give a 1-minute today, but I just got off the telephone with one of my dear friends, the Senator from the great State of Mississippi, the Honorable TRENT LOTT.

Today is his last day in the United States Senate. After a distinguished career in both the House of Representatives and the U.S. Senate, he is resigning effective, I assume, today or tomorrow, whenever the other body goes out.

I have known TRENT LOTT for the 23 years that I have been in the House of Representatives. When I first got elected, he was the minority whip here in the House. He is one of the wisest, in terms of political knowledge, men that I have ever been around in my political career. He is a great guy personally. He has a great family. He has served not only his State, but his country, with exemplary distinction for the many-odd years that he has been in the House and the Senate.

We are going to miss the Honorable TRENT LOTT of the Magnolia State of Mississippi, and I want to wish him and his family the very best this holiday season and in the years ahead.

God bless TRENT LOTT and his family.

COMMENDING HEATHER LASHER TODD FOR HER SERVICE TO THE HOUSE OF REPRESENTATIVES

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

Mr. PALLONE. Madam Speaker, today is the last day of this year of the session of Congress, and I just wanted to take the opportunity to thank my press secretary, Heather Lasher Todd, who is actually leaving today and going back to St. Louis, where she is from, with her husband. Both of them used to work for Congressman CARNAHAN, who was here before on the floor.

Many of my colleagues on the Democratic side of the aisle see Heather on a daily basis when she is down here with me trying to get Members to do 1-minutes and other message opportunities, and also worked very hard to have our weekly message meetings and come up with timely topics and people who would speak.

I am going to sorely miss her. I know that many of my colleagues will as well. I just want to wish her and her husband a great future back in St. Louis where they are from.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Recorded votes on postponed questions will be taken later.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2499

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) IN GENERAL.—This Act may be cited as the ''Medicare, Medicaid, and SCHIP Extension Act of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Increase in physician payment update; extension of the physician quality reporting system.
Sec. 102. Extension of Medicare incentive payment program for physician scarcity areas.
Sec. 103. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of exceptions process for Medicare therapy caps.
Sec. 106. Extension of payment rule for brachytherapy; extension to therapeutic radiopharmaceuticals.
Sec. 107. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 108. Extension of authority of specialized Medicare Advantage plans for special needs individuals to restrict enrollment.
Sec. 109. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.
Sec. 110. Adjustment to the Medicare Advantage stabilization fund.
Sec. 111. Medicare secondary payor.
Sec. 112. Payment for part B drugs.
Sec. 113. Payment rate for certain diagnostic laboratory tests.
Sec. 114. Long-term care hospitals.
Sec. 115. Payment for inpatient rehabilitation facility (IRF) services.
Sec. 116. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 117. Treatment of certain hospitals.
Sec. 118. Additional Funding for State Health Insurance Assistance Programs, Area Agencies on Aging, and Aging and Disability Resource Centers.

TITLE II—MEDICAID AND SCHIP

Sec. 201. Extending SCHIP funding through March 31, 2009.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Extension of qualifying individual (QI) program.
Sec. 204. Medicaid DSH extension.
Sec. 205. Improving data collection.
Sec. 206. Moratorium on certain payment restrictions.

TITLE III—MISCELLANEOUS

Sec. 301. Medicare Payment Advisory Commission status.
Sec. 302. Special Diabetes Programs for Type I Diabetes and Indians.

TITLE I—MEDICARE

SEC. 101. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) INCREASE IN PHYSICIAN PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), by striking ''and paragraphs (5) and (6)'' and inserting ''and the succeeding paragraphs of this subsection''; and

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

''(8) UPDATE FOR A PORTION OF 2008.—

''(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2008, for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008 AND 2009.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.''.

(2) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) REVISION.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) AMOUNT AVAILABLE.—

''(i) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

''(I) For expenditures during 2008, an amount equal to $150,500,000.

''(II) For expenditures during 2009, an amount equal to $24,500,000.

''(III) For expenditures during 2013, an amount equal to $4,960,000,000.

''(ii) LIMITATIONS ON EXPENDITURES.—

''(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

''(II) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of such section 225(c)(1).

''(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(ii) in subparagraph (B), by striking ''entire amount specified in the first sentence of subparagraph (A)'' and all that follows and inserting the following: ''entire amount available for expenditures, after application of subparagraph (A)(ii), during—

''(i) 2008 for payment with respect to physicians' services furnished during 2008;

''(ii) 2009 for payment with respect to physicians' services furnished during 2009; and

''(iii) 2013 for payment with respect to physicians' services furnished during 2013.''.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) for payment with respect to physicians' services furnished prior to January 1, 2013, but for the amendments made by subparagraph (A), shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(b) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)(B)) is amended—

(A) in the heading, by inserting ''AND 2009'' after ''2008'';

(B) in clause (i), by inserting ''and 2009'' after ''2008''; and

(C) in each of clauses (ii) and (iii)—

(i) by striking '', 2007'' and inserting ''of each of 2007 and 2008''; and

(ii) by inserting ''or 2009, as applicable'' after ''2008''.

(2) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note) is amended—

(A) in the heading, by inserting ''AND 2008'' after ''2007'';

(B) in paragraph (5), by adding at the end the following:

''(F) EXTENSION.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative reporting periods under paragraph (6)(C) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w–4(k)) and for reporting using the method specified in paragraph (4) of such section.''; and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) REPORTING PERIOD.—The term 'reporting period' means—

''(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

''(ii) for 2008, all of 2008.''.

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by subsections (a) and (b), in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $25,000,000 for the period of fiscal years 2008 and 2009.

SEC. 102. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1), by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''; and

(2) in paragraph (4)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) SPECIAL RULE.—With respect to physicians' services furnished on or after January 1, 2008, and before July 1, 2008, for purposes of this subsection, the Secretary shall use the primary care scarcity counties and the specialty care scarcity counties (as identified under the preceding provisions of this paragraph) that the Secretary was using under this subsection with respect to physicians' services furnished on December 31, 2007.''.

SEC. 103. EXTENSION OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 102 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note) and section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), is amended by striking ''and 2007'' and inserting ''2007, and the first 6 months of 2008''.

SEC. 105. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2007'' and inserting ''June 30, 2008''.

SEC. 106. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY; EXTENSION TO THERAPEUTIC RADIOPHARMACEUTICALS.

(a) EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

(b) PAYMENT FOR THERAPEUTIC RADIOPHARMACEUTICALS.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting ''AND THERAPEUTIC RADIOPHARMACEUTICALS'' before ''AT CHARGES'';

(2) in the first sentence—

(A) by inserting ''and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008,'' after ''July 1, 2008,'';

(B) by inserting ''or therapeutic radiopharmaceutical'' after ''the device''; and

(C) by inserting ''or therapeutic radiopharmaceutical'' after ''each device''; and

(3) in the second sentence, by inserting ''or therapeutic radiopharmaceuticals'' after ''such devices''.

SEC. 107. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), is amended by striking ''the 3-year period beginning on July 1, 2004'' and inserting ''the period beginning on July 1, 2004, and ending on June 30, 2008''.

SEC. 108. EXTENSION OF AUTHORITY OF SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS TO RESTRICT ENROLLMENT.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended by striking ''2009'' and inserting ''2010''.

(b) MORATORIUM.—

(1) AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–21 note) to designate other plans as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under such authority prior to January 1, 2008.

(2) ENROLLMENT IN NEW PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in a specialized Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to take effect unless that specialized Medicare Advantage plan for special needs individuals was available for enrollment for individuals residing in that area on January 1, 2008.

SEC. 109. EXTENSION OF DEADLINE FOR APPLICATION OF LIMITATION ON EXTENSION OR RENEWAL OF MEDICARE REASONABLE COST CONTRACT PLANS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), in the matter preceding subclause (I), is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

SEC. 110. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 3 of Public Law 110–48, is amended by striking ''the Fund'' and all that follows and inserting ''the Fund during 2013, $1,790,000,000.''

SEC. 111. MEDICARE SECONDARY PAYOR.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraphs:

''(7) REQUIRED SUBMISSION OF INFORMATION BY GROUP HEALTH PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 1 year after the date of the enactment of this paragraph, an entity serving as an insurer or third party administrator for a group health plan, as defined in paragraph (1)(A)(v), and, in the case of a group health plan that is self-insured and self-administered, a plan administrator or fiduciary, shall—

''(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been a primary plan to the program under this title; and

''(ii) submit such information to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An entity, a plan administrator, or a fiduciary described in subparagraph (A) that fails to comply with the requirements under such subparagraph shall be subject to a civil money penalty of $1,000 for each day of noncompliance for each individual for which the information under such subparagraph should have been submitted. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund under section 1817.

''(C) SHARING OF INFORMATION.—Notwithstanding any other provision of law, under terms and conditions established by the Secretary, the Secretary—

''(i) shall share information on entitlement under Part A and enrollment under Part B under this title with entities, plan administrators, and fiduciaries described in subparagraph (A);

''(ii) may share the entitlement and enrollment information described in clause (i) with entities and persons not described in such clause; and

''(iii) may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

''(8) REQUIRED SUBMISSION OF INFORMATION BY OR ON BEHALF OF LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 18 months after the date of the enactment of this paragraph, an applicable plan shall—

''(i) determine whether a claimant (including an individual whose claim is unresolved) is entitled to benefits under the program under this title on any basis; and

''(ii) if the claimant is determined to be so entitled, submit the information described in subparagraph (B) with respect to the claimant to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

''(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

''(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

''(C) TIMING.—Information shall be submitted under subparagraph (A)(ii) within a time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

''(D) CLAIMANT.—For purposes of subparagraph (A), the term 'claimant' includes—

''(i) an individual filing a claim directly against the applicable plan; and

''(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

''(E) ENFORCEMENT.—

''(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund.

''(F) APPLICABLE PLAN.—In this paragraph, the term 'applicable plan' means the following laws, plans, or other arrangements, including the fiduciary or administrator for such law, plan, or arrangement:

''(i) Liability insurance (including self-insurance).

''(ii) No fault insurance.

''(iii) Workers' compensation laws or plans.

''(G) SHARING OF INFORMATION.—The Secretary may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(H) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority of the Secretary of Health and Human Services to collect information to carry out Medicare secondary payer provisions under title XVIII of the Social Security Act, including under parts C and D of such title.

(c) IMPLEMENTATION.—For purposes of implementing paragraphs (7) and (8) of section 1862(b) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of such Act, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate, of $35,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008, 2009, and 2010.

SEC. 112. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF ALTERNATIVE VOLUME WEIGHTING IN COMPUTATION OF ASP.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)(A), by inserting ''for a multiple source drug furnished before April 1, 2008, or 106 percent of the amount determined under paragraph (6) for a multiple source drug furnished on or after April 1, 2008'' after ''paragraph (3)'';

(2) in each of subparagraphs (A) and (B) of paragraph (4), by inserting ''for single source drugs and biologicals furnished before April 1, 2008, and using the methodology applied under paragraph (6) for single source drugs and biologicals furnished on or after April 1, 2008,'' after ''paragraph (3)''; and

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

''(6) USE OF VOLUME-WEIGHTED AVERAGE SALES PRICES IN CALCULATION OF AVERAGE SALES PRICE.—

''(A) IN GENERAL.—For all drug products included within the same multiple source drug billing and payment code, the amount specified in this paragraph is the volume-weighted average of the average sales prices reported under section 1927(b)(3)(A)(iii) determined by—

''(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the manufacturer's average sales price (as defined in subsection (c)), determined by the Secretary without dividing such price by the total number of billing units for the National Drug Code for the billing and payment code; and

''(II) the total number of units specified under paragraph (2) sold; and

''(ii) dividing the sum determined under clause (i) by the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the total number of units specified under paragraph (2) sold; and

''(II) the total number of billing units for the National Drug Code for the billing and payment code.

''(B) BILLING UNIT DEFINED.—For purposes of this subsection, the term 'billing unit' means the identifiable quantity associated with a billing and payment code, as established by the Secretary.''.

(b) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)), as amended by subsection (a), is amended—

(1) in paragraph (1), by inserting ''paragraph (7) and'' after ''Subject to''; and

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

''(7) SPECIAL RULE.—Beginning with April 1, 2008, the payment amount for—

''(A) each single source drug or biological described in section 1842(o)(1)(G) that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii) is the lower of—

''(i) the payment amount that would be determined for such drug or biological applying such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

''(B) a multiple source drug described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

''(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.''.

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(h) of the Social Security Act (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding any other provision in this part, in the case of any diagnostic laboratory test for HbA1c that is labeled by the Food and Drug Administration for home use and is furnished on or after April 1, 2008, the payment rate for such test shall be the payment rate established under this part for a glycated hemoglobin test (identified as of October 1, 2007, by HCPCS code 83036 (and any succeeding codes)).''.

SEC. 114. LONG-TERM CARE HOSPITALS.

(a) DEFINITION OF LONG-TERM CARE HOSPITAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Long-Term Care Hospital

''(ccc) The term 'long-term care hospital' means a hospital which—

''(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

''(2) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (II) of section 1886(d)(1)(B)(iv);

''(3) satisfies the requirements of subsection (e); and

''(4) meets the following facility criteria:

''(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

''(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary; and

''(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.''.

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the establishment of national long-term care hospital facility and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(c) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term ''applicable long-term care hospital or satellite facility'' means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(d) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that as of the date of the enactment of this Act—

(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of the enactment of this Act;

(B) has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

(C) has obtained an approved certificate of need in a State where one is required on or before the date of the enactment of this Act.

(3) EXCEPTION FOR BED INCREASES DURING MORATORIUM.—

(A) IN GENERAL.—Subject to subparagraph (B), the moratorium under paragraph (1)(B) shall not apply to an increase in beds in an existing hospital or satellite facility if the hospital or facility—

(i) is located in a State where there is only one other long-term care hospital; and

(ii) requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State.

(B) NO EFFECT ON CERTAIN LIMITATION.—The exception under subparagraph (A) shall not effect the limitation on increasing beds under sections 412.22(h)(3) and 412.22(f) of title 42, Code of Federal Regulations.

(4) EXISTING HOSPITAL OR SATELLITE FACILITY DEFINED.—For purposes of this subsection, the term ''existing'' means, with respect to a hospital or satellite facility, a hospital or satellite facility that received payment under the provisions of subpart O of part 412 of title 42, Code of Federal Regulations, as of the date of the enactment of this Act.

(5) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 of the Social Security Act (42 U.S.C. 1395ff), section 1878 of such Act (42 U.S.C. 1395oo), or otherwise, of the application of this subsection by the Secretary.

(e) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

''(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

''(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the rate year ending in 2007.''.

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(f) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk–1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(2) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (1) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an error rate with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved and other actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the previous provisions of this subsection shall cease to apply for discharges occurring on or after October 1, 2010.

(B) CONTINUATION.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(5) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under paragraph (1) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(g) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: ''The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.''.

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109–171; 42 U.S.C. 1395ww note) is amended—

(A) in subsection (a), by striking ''apply the applicable percent specified in subsection (b)'' and inserting ''require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,''; and

(B) by amending subsection (b) to read as follows:

''(b) CONTINUED USE OF COMORBIDITIES.—For cost reporting periods beginning on or after July 1, 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts toward the percent specified in subsection (a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries' access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to care.

(B) An analysis of alternatives or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors.

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term ''75 percent rule'' means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by Public Law 110–54 (121 Stat. 551) is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2008, the special exception reclassifications made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(3) USE OF PARTICULAR WAGE INDEX.—For purposes of implementation of this subsection, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on October 10, 2007 (72 Fed. Reg. 57634), and any subsequent corrections.

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

''(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d) of the Social Security Act for purposes of discharges occurring during fiscal year 2008, a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from continuing such a group for such purpose.''.

(c) CORRECTION OF APPLICATION OF WAGE INDEX DURING TAX RELIEF AND HEALTH CARE ACT EXTENSION.—In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(1) a reclassification of its wage index for purposes of such section was extended for the period beginning on April 1, 2007, and ending on September 30, 2007, pursuant to subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note); and

(2) the wage index applicable for such hospital during such period was lower than the wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007,

the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence to a hospital will result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND AGING AND DISABILITY RESOURCE CENTERS.

(a) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) AREA AGENCIES ON AGING AND AGING AND DISABILITY RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.

TITLE II—MEDICAID AND SCHIP

SEC. 201. EXTENDING SCHIP FUNDING THROUGH MARCH 31, 2009.

(a) THROUGH THE SECOND QUARTER OF FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking ''and'' at the end of paragraph (9);

(ii) by striking the period at the end of paragraph (10) and inserting ''; and''; and

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

''(11) for each of fiscal years 2008 and 2009, $5,000,000,000.''; and

(B) in subsection (c)(4)(B), by striking ''for fiscal year 2007'' and inserting ''for each of fiscal years 2007 through 2009''.

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides funding for fiscal years 2008 and 2009, and for one or more subsequent fiscal years for the State Children's Health Insurance Program under title XXI of the Social Security Act.

(3) END OF FUNDING UNDER CONTINUING RESOLUTION.—Section 136(a)(2) of Public Law 110–92 is amended by striking ''after the termination date'' and all that follows and inserting ''after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.''.

(4) CLARIFICATION OF APPLICATION OF FUNDING UNDER CONTINUING RESOLUTION.—Section 107 of Public Law 110–92 shall apply with respect to expenditures made pursuant to section 136(a)(1) of such Public Law.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES; RULES ON REDISTRIBUTION OF UNSPENT FISCAL YEAR 2005 ALLOTMENTS MADE PERMANENT.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by subsection (d) of section 136 of Public Law 110–92, is amended by striking ''or 2008'' and inserting ''2008, or 2009''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall be in effect through March 31, 2009.

(3) CERTAIN RULES MADE PERMANENT.—Subsection (e) of section 136 of Public Law 110–92 is repealed.

(c) ADDITIONAL ALLOTMENTS TO ELIMINATE REMAINING FUNDING SHORTFALLS THROUGH MARCH 31, 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsections:

''(j) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $1,600,000,000 for fiscal year 2008.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with subsection (i); and

''(C) the amount of the State's allotment for fiscal year 2008.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2008, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2008. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

''(k) REDISTRIBUTION OF UNUSED FISCAL YEAR 2006 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS DURING THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) IN GENERAL.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during the first 2 quarters of fiscal year 2009, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2006 under subsection (b) that are not expended by the end of fiscal year 2008, to a fiscal year 2009 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

''(2) FISCAL YEAR 2009 SHORTFALL STATE DESCRIBED.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that was not expended by the end of fiscal year 2008; and

''(B) the amount of the State's allotment for fiscal year 2009.

''(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2006 allotments under subsection (b) available for such redistributions.

''(4) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall only remain available for expenditure by the State through March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

''(l) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $275,000,000 for the first 2 quarters of fiscal year 2009.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (k); and

''(C) the amount of the State's allotment for fiscal year 2009.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for the first 2 quarters of fiscal year 2009, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of

the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).''.

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), is amended—

(1) by striking ''December 31, 2007'' and inserting ''June 30, 2008''; and

(2) by striking ''first quarter'' and inserting ''third quarter'' each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2007'' and inserting ''June 2008''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

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

''(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is $200,000,000.''.

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by inserting ''AND PORTIONS OF FISCAL YEAR 2008'' after ''FISCAL YEAR 2007''; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:
''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¾ of the amount specified in the previous sentence for fiscal year 2007.'';

(B) in clause (ii)—

(i) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(ii) by inserting ''or period'' after ''such fiscal year''; and

(C) in clause (iv)—

(i) in the heading, by inserting ''AND FISCAL YEAR 2008'' after ''FISCAL YEAR 2007'';

(ii) in subclause (I)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''for such fiscal year''; and

(iii) in subclause (II)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''such fiscal year'' each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: ''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $7,500,000.''.

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following ''(except that only with respect to fiscal year 2008, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)''.

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting ''as an agency of Congress'' after ''established''.

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 10 minutes to the gentleman from California (Mr. STARK) and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

Madam Speaker, when this Congress was first gaveled into session by Speaker PELOSI, she declared it the Children's Congress. With that in mind, we set out to enact an ambitious agenda that included legislation to provide health care to 10 million low-income American children. But we were forced to go it alone. Instead of working with us, the President and his Republican foot soldiers in Congress chose to fight us tooth and nail.

We were not deterred by the President or the opposition that we faced from congressional Republicans. Earlier this summer, the House passed the CHAMP Act, which would have strengthened the Children's Health Insurance Program, CHIP, and helped secure health care coverage for 10 million American children, 4 million of which are presently uninsured and come from hardworking families.

The CHAMP Act also included dramatic improvements for beneficiaries and providers under Medicare, which, if enacted, would have put the program on a more stable financial footing and ensured that seniors have access to the medical care they need and deserve. The CHAMP Act would have also protected Medicaid from harmful regulations which are now about to go into effect and will cut billions of dollars in critical services for low-income and disabled citizens of all ages.

Now, some may see the defeat of the CHAMP Act this year as a great victory for the President and his Republican allies in Congress. But they may have succeeded in being nothing more than obstructionists. No one has gained anything from these actions by the President or my Republican colleagues, least of all the people who rely on these programs for their health care.

This year, we had a chance to strengthen our Nation's health care safety net and improve the lives of our most vulnerable citizens, the elderly, the young, the poor and the disabled. Instead, both the administration and congressional Republicans are content on leaving here this year with doing the bare minimum on CHIP and Medicare when we could have accomplished so much more to improve the health of millions of Americans.

So now, Madam Speaker, we are left with a package that addresses the most immediate concerns, but leaves any real health care improvements for another day, and I think that is very unfortunate. But with the current President and the current Senate, sadly, this is the best we can do. But I will say, Madam Speaker, the Democrats

are determined in the next year to revive the CHAMP Act and the provisions that we care so much about, because we know that that is the best for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2½ minutes.

Madam Speaker, it is difficult to speak on this subject because we have debated it so many times in the last 1½ months. Suffice it to say that all is well that ends well, and today we have a bill before us that is going to temporarily fix the physician reimbursement issue. It is going to extend the SCHIP program through March of 2009. It is going to extend the special diabetes program for another year and a number of other things.

These are all good things and people on both sides of the aisle support them. It shouldn't have taken all year to do these things, but it has.

I want to speak very briefly about the SCHIP program. The language in the bill before us is essentially the Barton-Deal language, which Congressman DEAL of Georgia, the ranking member of the Health Subcommittee, and myself introduced 7 or 8 months ago to extend the existing SCHIP program for 18 months, to make sure that all children currently receiving coverage continue to receive coverage, to have a slight increase in funding so that some new enrollments could occur. It is a commonsense approach to an issue while we debate with our friends on the majority side the extent to which we want to expand or change the program.

We have had two Presidential vetoes. We have had enough speeches on the House floor and the other body to probably populate a national forest in terms of the amount of paper that has been used to cover those speeches. And yet we are here today doing what we could have done 11 months ago.

I am very pleased that the SCHIP program is going to be extended. I am very pleased that no State is going to lose funding. I am very pleased that we are going to continue to cover the children that have been covered. And I look forward in the next year to the same offer that Congressman DEAL and Mr. MCCRERY and Mr. CAMP and I have made to our friends on the majority, let's have some hearings.

We now have 15 months. We could hold regular hearings. We could introduce draft bills. We could circulate those bills. We could have a bipartisan dialogue. We could have an actual open, transparent committee markup in both the Ways and Means Committee and the Energy and Commerce Committee. It is still possible in this Congress to have the meetings of the mind on SCHIP in terms of changes to the program, and I hope, Madam Speaker, that that occurs in the next 12 months.

□ 1045

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

I wish I could say I was pleased to be here today to support this important legislation, but you can't say that about this bill the Republicans have brought us.

Last July we sent to the Senate the CHAMP Act, a strong bill that preserved and improved both the Medicare and SCHIP program. The CHAMP Act extended health coverage to 10 million children nationwide. This bill doesn't even come close.

This bill was designed by the Republicans to support their rich friends, the pharmaceutical industry, the for-profit insurance industry, and to destroy Medicare as millions of American seniors have known it, to harm children, and to cast blame at illegal immigrants and working single parents. It shows the Republicans in their truest form: Help the rich at the expense of the poor; to deny government services to anyone, and only help the profit industries who pay them so generously through their campaign contributions, which will be useless, because the public will realize that we don't need them anymore.

The CHAMP Act provided Medicare benefits for all, and it increased protections for low-income beneficiaries. It extended the physicians' reimbursement above par for 2 years and it protected rural providers for those same periods of time. The CHAMP Act overwrote provisions enacted by the former Republican majority designed to end Medicare as an entitlement program. The CHAMP Act was paid for by reducing overpayments to the substandard private plans in Medicare, plans designed to privatize the program by Republicans.

For this effort, House Members, five Republican Members and the Democrats, and our staffs are to be congratulated. They worked hard and took tough and reasoned positions. The Senate failed to act on our legislation and the irresponsible Republicans in the House of Representatives failed to help the children in this country as is their wont.

What we have before us gives the lowest common denominator a bad name. The Senate has sent us a bill that extends otherwise expiring Medicare provisions by a mere 6 months, meaning that we will be back here next summer, next spring trying to fix a system which the Republicans consistently try and privatize and destroy. That is Medicare and SCHIP. For the next 6 months, the bill delays the 10 percent physicians cut, prevents some therapy caps from going into effect, and protects rural providers by extending a host of particular provisions that would otherwise expire.

There are some provisions that run longer. SCHIP will go for 15 months, moving it forward in time when we have a new President, whom we hope will be willing to work with Congress to protect children's health and expand access to care. It also makes longer term reforms to Medicare payment policies for long-term care hospitals and rehab hospitals, two changes that are long overdue.

What is wrong with the bill is what it fails to do. It flat out fails to address real improvements needed for Medicare beneficiaries, many of which we had addressed in the CHAMP Act. It lacks increased protections for low-income beneficiaries; it lacks Medicare mental health parity; it lacks overdue improvements in preventive benefits and nonpayment related reforms to the HMO program. It lacks limits on physician hospital ownership and self-referral. And the list goes on.

Adding insult to injury, this legislation also lets HMOs in the insurance industry off virtually scot free, even though MedPAC, CBO, GAO, the Office of the Inspector General and even the administration's own actuaries confirm that we overpay these second-rate, for-profit plans relative to the rest of Medicare.

I would hope that those of you learned, as I learned, that if you don't like the food, don't eat it, but don't complain about it.

We still have a strong bill pending in the Senate, the CHAMP Act. The Senate must act early in 2008 so that we can reach a better outcome for Medicare. We just can't keep subsidizing the for-profit providers and failing to serve our own children and seniors. So we must proceed as best we can.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 17½ minutes.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent to yield 10 minutes of that time to the gentleman from Louisiana (Mr. MCCRERY), the ranking member of the Ways and Means Committee, for him to control.

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

There was no objection.

Mr. MCCRERY. Madam Speaker, I agree with some of the comments that have been made by the majority today, not all of them, of course, but some of them.

I think it is a shame that we were not able to reach a bipartisan agreement on a longer term extension of the SCHIP program. As Ranking Member BARTON has pointed out on more than one occasion, though, this process was pretty much doomed from the start because the majority failed to include the minority at all in the early stages of putting together legislation for this important program.

And I understand, it is difficult being in the majority for the first time in 12 years and not really knowing how to get things done. It's tough to govern. It's tough to have the responsibility to actually pass legislation and make law. We did it for 12 years, and we had some troubles ourselves in the first year or

so that we were in the majority. So I understand. But I hope the majority will learn from this experience.

We have two choices, the majority has two choices, really, insofar as dealing with the SCHIP program. And that is, number one, next year they could do as Ranking Member BARTON suggested and have hearings on the SCHIP program and work with the minority hand in hand to try to come up with a reasonable extension reauthorization of this important program.

Number two, they could try the same thing next year that they did this year and get the same result, and then just wait until after the elections and hope that they would have a Democratic President, a Democratic majority, and can do what they want, maybe.

I would submit that the better course is the former, and that is to work with the minority next year. We certainly made that offer this calendar year. I would extend it, at least from my committee's standpoint, that invitation again for next year. And I am hopeful that we can do that.

This bill before us today covers a lot of other things besides the SCHIP program. As Chairman STARK said, we do have in here kind of a stalling of the cliff that physicians find themselves looking over as far as Medicare reimbursement. We only do that for 6 months. We do several other things for 6 months, including therapy caps which I think are very important. So we are under the gun, this Congress is under the gun, and I would submit that means both the majority and the minority early next year to get some things done in the Medicare field.

Again, I certainly want to extend my hand to the majority and offer to work together to get these very important things that are only extended or only dealt with for 6 months in this bill, a more certain future with legislation next year.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, December is a month of holidays, holidays about families; Hanukkah, the Festival of Lights; Kwanzaa about family traditions. At this time of year I always think about my children when they were little, their beautiful faces staring into the creche at the baby Jesus. But during this special time, the very best present we could give 4 million children in this country is the gift of health care.

Every parent knows that quality health care is the foundation for a happy and successful life. Sadly, at this special time, Congress is denying this gift to 4 million children who are eligible right now under the SCHIP program but are not enrolled. Although the House and Senate passed great legislation that would have expanded the coverage to these children, the President has vetoed it twice. And so, reluctantly, I stand here today in full support of current law.

The current SCHIP program is a great one that has worked for 10 years, one that we should all stand up for and be proud of. It will guarantee that the 6 million kids currently enrolled will not lose their health insurance until March 2009.

As the new year draws close though, Madam Speaker, we must recommit ourselves to ensuring that every child in this country who is eligible for SCHIP is enrolled. And that is why I ask the Speaker and my wonderful committee leadership to recommit ourselves to reauthorizing this program earlier than March 2009 so all these kids may be covered.

In addition, Madam Speaker, this bill contains protections for seniors. But, again, it is only a start. There is much more to be done, and I am committed to working with my colleagues to develop a comprehensive bill that will do more than extend protections to doctors and seniors for only 6 months.

Finally, Madam Speaker, I want to commend my colleagues for including extension of the special diabetes program in this bill. This will ensure cures for millions of Americans.

Mr. BARTON of Texas. Madam Speaker, I yield 2½ minutes to the distinguished ranking member of the Health Subcommittee, Mr. DEAL of Georgia, who has worked tirelessly on these issues this year.

Mr. DEAL of Georgia. I thank the gentleman from Texas for yielding.

Madam Speaker, I am pleased to rise today in support of S. 2499. This vital legislation will help preserve Medicare beneficiaries' access to their physicians' services, in addition to providing States certainty as to their ability to cover their SCHIP children for the next 13 months and to continue to enroll eligible children in their programs.

While this bill does not contain the needed reform of the sustainable growth rate formula in Medicare, it averts a payment cut for physicians which, I fear, would have dramatically impacted physician participation in Medicare. Moving forward, I hope that we would work in a bipartisan way to reform this SGR system rather than continuing these short fix programs that we have seen for the last several years. The physicians who serve this Nation's elderly population should not be subject to this annual uncertainty, constantly wondering whether or not they will be able to afford to see their Medicare patients.

On the second subject, for months I have supported a long-term extension of the SCHIP program to ensure that children currently enrolled would continue to have health care services, and to allow States the certainty of funding so that they can continue to enroll eligible children.

In the coming months there should be ample opportunity for SCHIP legislation to move through a regular legislative process without the pressures created by last-minute expiration of the program. I look forward to working with my colleagues on both sides of the aisle on this bill, which would help put and continue to put low-income children first, and continues the purpose of the original program: To serve the neediest children with health care. As a supporter of the program, it is unfortunate to me that we have not been able to reauthorize it for a longer period of time, but this extension should give us the opportunity to do so in a thoughtful and appropriate process. I would hope to work on these issues in a bipartisan fashion next year, and I urge my colleagues to support this bill.

Mr. STARK. Madam Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. A lot of people have mentioned that in fact this extension will cover the children that presently are in the program. That is half true and half not true. Kids who are on the program will be covered. But if you live in 14 States in the United States, because of the President's executive order, if you live in California, Connecticut, Washington, D.C., Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, or Washington, kids in those States will actually come off the rolls in August because of the President's executive order. And in those States, the Governors will have to begin to develop plans to notify those kids and their parents because of the President's executive order.

So not all kids who are on the program will actually stay on the program. And that is just a consequence, after passing two bills to give 10 million children health care, two bills with 45 Republicans and 220 plus Democrats here in the House, and 18 Republicans in the Senate and every Democrat in the Senate, we were unable, which is unique around here, but we were unable to get the President to sign this legislation. And so what we couldn't resolve, the American people will resolve in November.

President Kennedy once said, to govern is to choose. We have made our choice, the President and some on your side made your choice, and in November the American people will make their choice. And that is how differences get resolved here. I think we should understand that.

And so, as the President has said, a lot of children will have universal health care in this country because we have an emergency room in hospitals. A lot of kids will end up in emergency rooms that didn't need to go to emergency rooms.

We did right in a bipartisan fashion to get a bill. In my own view, this will be the first thing that the new Democratic President will get done. We don't need March 9. It will get done within

the first month. It will be a major accomplishment for a Democratic Congress, a Democratic Senate, and a Democratic President.

□ 1100

Starting this August in those 14 States, kids and their parents that did have health care will be notified they will no longer get health care. Now, there is a consequence to that, because August 2008 is 2 months before the election. And I don't think that is a problem. As a matter of fact, we can't protect the American people from the consequences of the President's decision, and a number of Republicans stand by him. We did right. There was a bipartisan bill to resolve a major problem to give 10 million children health care. We didn't accomplish it. We will be back and we will get it done because the American people deserve and the kids deserve the same health care that their Members of Congress and their kids get. This is what that would have done.

Mr. MCCRERY. Madam Speaker, before I recognize the gentleman from Pennsylvania (Mr. ENGLISH), I would just point out under the President's executive order, those States do have the option of covering the low-income children in their States first. If they do that, then they can certainly expand it to higher income children.

At this time I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Thank goodness they are not going to have to wait a generation for a Democratic President.

This bill, Madam Speaker, is a good resolution to a political impasse and a good solution to the hindering cuts that impede our Nation's physicians and would impact on the health care of our young people and our seniors.

It makes a substantial adjustment for physicians who participate in the Medicare program, albeit only temporary. Although I would have liked to have seen a more permanent and comprehensive solution to a range of Medicare issues, we just couldn't wait and allow 10 percent cuts in payments to physicians to occur. I hope to work with my colleagues on both sides of the aisle on a more permanent solution in the upcoming year to this particularly thorny issue.

The legislation before us also endorses important issues that I have fought hard to be involved with and to make progress on, including extending the exceptions process for therapy caps and a revision of the policy structure for long-term care hospitals. Those are legacy issues that we are going to have to take up sooner rather than later.

I am glad we have a final resolution temporarily on SCHIP. Thank you. I urge a vote for the bill.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I thank the gentleman for yielding me this time. Today I stand boldly in support of this Medicare, Medicaid and SCHIP Extension Act.

Madam Speaker, 800,000 children, as you know, in the State of California are covered by this program. It is essential that we continue to provide that coverage. But many, many low-income and minority children will not be covered because previously this President vetoed our bill twice where we would have taken this farther. Instead of the 6 million that are currently in the program, it would have gone to 10 million children. But we can't talk about that now.

But one thing is sure, our constituents, our seniors, are telling us we also need to provide a fix for our doctors because many of our seniors that are on low-income assistance now need to see their doctors, and we know how vitally important that is.

Each and every one of us has an obligation to provide support for the very vulnerable in our communities. And I think there is a saying somewhere, maybe in the Bible, that says we will be judged by how we deal with those that are most vulnerable. And those are our frail, elderly and our children.

I know we can do better. I also pray that we have better outcomes after 2008, because I do believe that our public, our constituents, are demanding that we step up to the plate on health care. That is the number one priority that we are reading about throughout this country, that we cannot stand behind and not speak up here on the House, on the floor and demand that we have better coverage for all of our populations. I speak not only as a Latina and as a woman representing a low-income community, but I think I speak for many millions of people who would like to hear their Congresspeople speaking out loud and shouting out loud about the need for better health care coverage. They are demanding it. Yes, as my former colleague said on the floor, we will probably see those results change once November 2008 arrives.

Merry Christmas to the Congress.

Mr. BARTON of Texas. Madam Speaker, I yield myself 15 seconds just to point out that the subregulatory deadline that Mr. EMANUEL referred to requires States to show a good-faith effort to cover 95 percent of those children below 200 percent of poverty before they cover children above 250 percent of poverty.

I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Madam Speaker, I want to compliment Mr. BARTON and Mr. DEAL for the extraordinary amount of work they have done on this issue this entire year. I know that they are pleased that the congressional leadership has joined them in working to be certain that we take the politics out of this issue and we keep the focus on how we address the health care needs of our Nation's most vulnerable, our children and our elderly.

A couple of things that we are going to see in this bill, as you have already heard, the Medicare physician payment schedule, the cut that was to take place is not going to. They are going to see a half percent increase through June 2008. My hope is that we will be able to have the majority work with us to resolve this issue.

I think it is just unconscionable that every single year this SGR gets revisited and we try to work it through. We know that this is something that we are going to be providing. It is a service. Health care is going to be provided for our Medicare enrollees. And, Madam Speaker, this needs to be dealt with and the problem needs to be solved.

I am also pleased that SCHIP is going to be extended through March 2009 and that we are keeping the focus there on standing in the gap between those children that are not eligible for Medicare and those that have the ability to afford private health insurance. This gets back to the original intent of that program to be certain that the children of the working poor are covered.

I am also pleased that this contains the 6-month extension of critical funding for the Tennessee Medicaid DSH payments to our hospitals.

Madam Speaker, there should be some lessons learned from the 1115 waiver process that my State of Tennessee has been through and through the experiment of HILLARY CLINTON health care and the failures of that. As we move forward, I hope we look at those lessons learned.

I appreciate this legislation does provide those DSH payments to these hospitals. I look forward to working with the majority.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in strong support of the Medicare, Medicaid and SCHIP Extension Act of 2007.

This bill includes a provision based on legislation I introduced with Representatives TANNER, LOBIONDO and HULSHOF that would not only freeze compliance thresholds under the 75 percent rule at 60 percent, it would require CMS to consult rehabilitation facilities in developing recommendations on more appropriate criteria than the 75 percent rule for determining IRF admission policy.

The legislation will stop CMS in its tracks from continuing to implement an out-of-date 75 percent rule that is 100 percent wrong for Americans, and ensure that millions of individuals will continue to have access to the critical care and medical services provided by rehabilitation facilities.

There are a number of individuals I would like to thank for their tireless work on this legislation: Chairman RANGEL and the entire Ways and Means staff, particularly Jon Sheiner, Cybele Bjorklund, and Janice Mays; my partners on this legislation, Representatives TANNER, LOBIONDO, HULSHOF, and

their staffs, Vicki Walling, Dana Richter, and Erik Rasmussen; and my legislative director, Jean Doyle.

And last but certainly not least, the key advocates from hospitals in my district in New York: Dr. Walsh from Burke Rehabilitation Center, Maggie Ramirez from Helen Hayes Hospital, and Keith Safian from Phelps Memorial Hospital.

Your tireless work along with the support of Chairman RANGEL and others in Congress helped us get to where we are today. I urge my colleagues to support this very important legislation.

Mr. MCCRERY. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. MCCRERY) has 6 minutes. The gentleman from New Jersey (Mr. PALLONE) has 2 minutes remaining. The gentleman from California has 2½ minutes remaining. The gentleman from Texas has 3¼ minutes remaining.

The Chair will recognize in reverse order the closing arguments, beginning with the gentleman from Louisiana (Mr. MCCRERY), the gentleman from California (Mr. STARK), the gentleman from Texas (Mr. BARTON), and the gentleman from New Jersey (Mr. PALLONE).

Mr. MCCRERY. Madam Speaker, at this time I recognize the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP), for 2 minutes.

Mr. CAMP of Michigan. Madam Speaker, I appreciate the distinguished gentleman yielding me this time.

I am glad we have the opportunity to vote on this legislation today which is critical to protecting doctors from receiving the 10 percent Medicare cut and providing certainty to the SCHIP program, the State Children's Health Insurance.

But let's not kid ourselves. This is the bare minimum and we are capable of much more. It is disappointing that the majority would not work in a bipartisan fashion to craft at least a 1-year reprieve from the Medicare cuts for physicians, as Republicans were able to do in previous years. This 6-month extension is simply putting the problem off and not solving it. The majority knew this 10 percent cut was coming. So what did they do? They passed a CHAMP bill that was fraught with problems that cut home health, skilled nursing facilities, devastated Medicare Advantage and the individual care, and would have left 22 States without one senior receiving Medicare Advantage. That was nearly 6 months ago. And what has happened since then? Nothing.

It is unfortunate that we could not come to a bipartisan compromise on SCHIP, which was and is within reach. A simple extension, while better than what the majority offered, and their offer was transforming a program to assist low-income children to an entitlement for families earning $80,000 a year, is much worse than what was possible.

As I said before on this floor, I stand ready to work in a bipartisan fashion to address the looming cuts faced by physicians in Medicare. I hope we can see this legislation for the Band-Aid that it is and return next year with a commitment from leaders in both parties to enact real long-term Medicare payment reform.

Mr. BARTON of Texas. Madam Speaker, I yield 1¼ minutes to the gentleman from Alabama (Mr. ADERHOLT) who is one of the negotiators of an attempt at a compromise.

Mr. ADERHOLT. Madam Speaker, I would like to thank every Member who has worked on this piece of legislation, and there has been a lot, especially Mr. BARTON and Mr. DEAL who have gone beyond the call of duty in their work. I have been in meetings with them for many hours, so I appreciate their work.

I think we are all disappointed that it has taken so long to come up with a solution, but in the end we have arrived at a correct decision.

When SCHIP was first brought to the floor in 1997, I was a new Member of Congress. It was a bipartisan bill that was enacted by a Republican House and Senate. And it was signed into law by a Democrat President.

This year's process has been anything but bipartisan. I think it would be fair to say that the political rancor in the debate that has occurred over the last several months has surpassed anything that most of us have seen while we have been in Congress. But it is time to move forward and it is time that we remember what is important in this whole process, and that is the children that need health care in America, that are simply the poor in this country.

In my home State of Alabama, SCHIP has been a tremendous success and has helped a new generation of children live happier and healthier lives.

□ 1115

I'm pleased that this Congress has decided to extend this vital program into 2009 and provide a level of certainty to State health directors that did not exist under our previous resolutions. This is a good solution, and I encourage my colleagues to support it.

Mr. MCCRERY. Madam Speaker, I yield 1½ minutes to the gentleman from Texas, the ranking member of the Social Security Subcommittee of the Ways and Means Committee, Mr. JOHNSON.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, today we're considering a bill that does some important things. One, it stops the 2008 physician cuts. Two, it extends the Children's Health Insurance Program past the politics of the Presidential election; and three, it helps physicians who are called up for active duty to serve their country. But in reality, this isn't the best bill Congress could have put together, and y'all need to know that.

For the first time, physicians don't know what Medicare will pay them next year. In 6 short months, doctors will once again be facing more than a 10 percent cut in their reimbursements. That uncertainty is no help when you're trying to run a business.

When it comes to physicians who are called up to serve their country and their community, this bill does deliver temporary relief.

Earlier this year Congress moved in a bipartisan fashion to temporarily fix an oversight in Medicare. Previously, the law created a red tape nightmare for any Medicare physician who needed to leave his practice for more than 60 days at a time. The bill before us today continues this fix for just 6 months by allowing our Reservists to have one substitute doctor for their entire deployment.

I look forward to working with my colleagues next year on a permanent fix for this problem. We need to support our troops and the docs that are called up.

Mr. PALLONE. Madam Speaker, I just want to inquire if the other side is prepared to close or has any additional speakers.

Mr. BARTON of Texas. Madam Speaker, I am the only speaker remaining for my portion of the time, so I am prepared to close.

Mr. MCCRERY. Madam Speaker, I have two remaining speakers.

The SPEAKER pro tempore. The gentleman from Louisiana has 3 minutes remaining.

Mr. MCCRERY. Madam Speaker, I would yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I appreciate the gentleman yielding. And I stand today in full support of this 18-month extension of the Children's Health Insurance Program, and also the 6-month mitigation of the payment cut to our physicians under Medicare.

But, Madam Speaker, let me say in regard to that 6-month mitigation, we have done this the whole time that I've been in this Congress, the past 5 years, with a Band-Aid. We're literally doing it this time with a spot Band-Aid, and first thing you know we're going to do a 3-month mitigation and a month-to-month mitigation. It's time to end this flawed sustainable growth rate, just like it's time to end the alternative minimum tax that was not indexed for inflation. They're both flawed, and we need to strike both of them dead permanently.

In regard to the Children's Health Insurance Program, Madam Speaker, the distinguished chairman of the Democratic Conference spoke a little earlier, talking about certain children are going to lose their coverage during this 18-month extension. Well, certain children should lose their coverage if their

families make up to 300 percent of the Federal poverty level, which is about $65,000 a year, and it crowds out those children from needy families who are not being covered.

So this extension, I want to commend my colleague from Georgia, NATHAN DEAL, and Ranking Member BARTON. This is their bill, and this is exactly what we need to do. We need to make sure we have 90 percent coverage saturation and those children up to 250 percent of the poverty level before we consider anything else. I support this extension.

Mr. MCCRERY. Madam Speaker, I have two remaining speakers. I promise this will be the last time I will have two remaining speakers.

At this time I would yield 30 seconds to the gentleman from Missouri, the distinguished minority whip, Mr. BLUNT. And I believe my colleague, Mr. BARTON, is going to also give him 30 seconds.

Mr. BARTON of Texas. Madam Speaker, I would like to yield 30 of my seconds to the gentleman from Missouri (Mr. BLUNT).

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

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

I'm just here to say that I think this 18-month extension gives us the time we need to make SCHIP an even better program. It extends the current program. It increases funding for the current program. It helps the States that have a shortfall. It ensures that kids who don't have Medicaid, who are in that second 100 percentile, the families who are closest to the Medicaid number, get their coverage first, by not reversing the policies the administration has lately put in place on waivers. It does important things to ensure that the qualifying standards for SCHIP don't change. On those areas that extend Medicare payments to doctors, I would remind my friends here that we're paying for those, most of that, through the stabilization fund on the last big fight here we had. This was the fund we thought we might need to make part D addition to Medicare as a competitive and innovative addition to Medicare work. We didn't need that money because it's working on its own. The last fight we had this big on a health care issue, we kept hearing how terrible it would be for seniors. Eighty-seven percent of the seniors don't think it's terrible at all.

I think we're going to see that this debate also leads to better results for SCHIP, not worse results for SCHIP. I'm glad to see this extension.

The SPEAKER pro tempore. The gentleman from Louisiana has 1 minute remaining.

Mr. MCCRERY. Madam Speaker, I assume all managers of time have one remaining speaker?

Mr. STARK. I have one.

Madam Speaker, I would yield, at this point, 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, this pathetic excuse for a Medicare bill is made necessary by a Republican refusal to tackle waste, fraud and abuse. To fulfill an ideological dream, taxpayers are compelled to continue wasting billions of dollars to fund abusive private Medicare Advantage plans run by Bush administration buddies, rather than less expensive, more effective traditional Medicare.

And while doctors are rightly protected from a scheduled payment cut, how about the millions of poor seniors who are cut off from access to extra help for prescription drug coverage? As with so many battles in this Congress, where it is a contest between the poor and a well-financed special interest, guess who gets knocked out?

This shell of a bill actually means that millions of our youngest Americans will still be barred from access to the Children's Health Insurance Program, and, of course, it will enable my State, Texas, to maintain its dubious distinction of being number one, the number one State in the country with children who have no health insurance, due largely to the indifference of then Governor George Bush, now the ''veto-er in chief'' when it comes to children's health insurance.

This House had approved the CHAMP Act. Today, about all that remains of it, thanks to continued Republican obstructionism and one veto after another, is what could be called the CHUMP Act because it reeks of fiscal irresponsibility and social inequity. Something may be better than nothing, but this is barely something. In 18 months we'll correct it.

Mr. MCCRERY. Madam Speaker, I would yield 1 minute to the gentleman from Georgia (Mr. PRICE) and note that I still believe bipartisanship is the way to solving these problems, especially in the next year.

Mr. PRICE of Georgia. I thank my friend for yielding and for his leadership.

There's a recurrent theme that we've heard this month and that is from this majority party that continues to lament the work product of this 110th Congress. You'd think they weren't in the majority.

But it's time to set the record straight about a couple of items. One is SCHIP. The reason that SCHIP hasn't moved forward in the way that they envisioned is because the American people didn't believe that over half of the American children ought to be on a government-run system.

Were there alternatives? Absolutely. The alternative that we put on the table was to reauthorize the program, provide premium assistance for families up to $63,000 and give States greater flexibility. That's a positive solution.

In the area of SGR or the physician reimbursement in Medicare, it's important to appreciate that this 6-month extension is wrong. Medicare is woefully flawed. The 6-month extension is an insult to both patients and physicians.

What we call for is for bipartisanship, for working together to solve the Medicare physician payment program that works well for patients and works for physicians and makes certain that patients and their families control health care, not government.

Mr. STARK. Madam Speaker, I yield myself the balance of the time and agree with the gentleman from Georgia that the fix for the physicians is an abomination, but it was written by the Republicans in the Senate, and with concurrence with Republicans in the House. So I congratulate you for at least recognizing a lousy piece of legislation when it's drafted by Republicans.

The distinguished gentleman from Texas (Mr. BARTON) suggested that all's well that ends well, and that pretty much sums up the Republican philosophy. They've kept 4 million kids from getting health care. They've endangered the health care of many of the 6 million kids on SCHIP now, and they've protected the for-profit insurance industry and other special interests who fund their campaigns to the detriment of the children and the seniors in this country.

You might call that all well, but the Democrats don't.

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

Mr. BARTON of Texas. Madam Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. BARTON of Texas. I want to compliment Congresswoman LOWEY of New York for working to include the 60 percent fix for the rehabilitation hospitals. I wasn't aware that that was in the bill. I'm very pleased that that is.

I would like to, I guess, compliment my friend from California, Chairman STARK, for at least agreeing that this bill is worthy of coming to the floor.

I would like to point out that the whole purpose of SCHIP is to cover low- and moderate-income kids. That was the original intent. There are many of us on this side of the aisle that still think that should be the intent. If you want to go to some of the larger numbers of coverage of children that are currently not covered, you have to go above 250 and, in some cases, above 300 percent of poverty.

You also are covering right now six to 700,000 adults. There are those like myself that don't think adults need to be covered by SCHIP because those same adults can be covered by Medicaid, which is the coverage for low-income Americans, regardless of how old they are.

I would like to point out the obvious. When you're in the minority, the only way you can get anything passed is to work with the majority. That's self-evident. When you're in the majority

you can pass things in the House just by yourself, but if you want them to become law, you normally have to work with the minority. And I hope this debate on SCHIP has shown people on both sides of the aisle that we should be trying to legislate and work together instead of scoring political points for one particular side.

With that, Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Madam Speaker, this bill is the result of Republican intransigence. This is a Band-Aid. And I would remind my Republican colleagues who seem to think that this is good legislation, that every day that goes by, more kids are going to get off SCHIP.

They put out that directive of August 17 that says that if a kid's parents lose their job, they would have to wait 1 year before they could get SCHIP coverage.

So the bottom line is more kids are going to go off SCHIP. We're just barely paying for the kids that are on it now.

They're not willing to do anything. They said that they were willing to negotiate. Well, we had negotiations, our majority leader said, for over 100 hours, and they still could not come up with an agreement.

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The President refuses to fund anything. He won't pay through a tobacco increase, the only tax increase. The only thing he says he will do is cut programs to pay for expanded SCHIP that would even make it harder, like cutting Medicare.

So the fact of the matter is we are stuck with this lousy bill that was negotiated between the White House and the Republicans in the Senate. We don't like it. It's simply a temporary measure, and we as Democrats are committed to the fact that in the beginning of next year we're going to take up SCHIP again. We're going to take up the issue of Medicare to try to prevent the privatization that takes place under the current program. We're determined to correct these programs.

But it won't happen if the Republicans continue their intransigence, both at the White House and here in the House of Representatives. There is no reason to believe, based on what they've done in the last 6 months, that this Republican minority wants to work with us to achieve a better result.

So we are stuck with this bill today. It is a Band-Aid approach. We have to pass it so we can continue with the existing programs. But every day that goes by, Medicare suffers because fewer and fewer doctors are likely to take Medicare and fewer and fewer kids are going to get coverage because they're going to have to go to the emergency room because they can't see a doctor on a regular basis. That's not the way to operate. And I have to say that it's totally due to the fault, in my opinion, of the President and the Republicans here in the House of Representatives. I hope this changes in the next year.

Mr. LEVIN. Madam Speaker, it has become clear, not only to my colleagues in Congress, but also to the American people, that the intransigence of President Bush and his supporters in the House and Senate have made it difficult to advance long-needed bills to improve Medicare and expand the Children's Health Insurance Program.

The bill we are considering today in no way reflects negotiations with the Senate on the CHAMP Act that the House approved with a bi-partisan majority on August 1st, and the Senate's Medicare and SCHIP priorities. Rather, it is a skinny health extenders package that generally extends some provisions in current law for only 6 months.

Shoring up Medicare from years of neglect under the Republican Congress and expanding the Children's Health Insurance Program to cover 10 million low-income children are top priorities for me and the New Democratic Majority in Congress. That is why the House approved the CHAMP Act of 2007 to eliminate the scheduled Medicare physician payment cuts for the next 2 years and expand the Children's Health Insurance Program to cover 10 million low-income children nationwide. The only reason that the legislation we approved in August to improve the Medicare and SCHIP programs has not been signed into law is because President Bush and his allies in Congress oppose it.

There are several provisions of importance back home that I wish to recognize. We were able to keep in the health extenders bill a moratorium on cuts to school-based Medicaid services that the Administration has proposed. We have included a 6-month extension of a wage-reclassification program in the Medicare program, and have provided funding to extend the Special Diabetes Program for research, treatment and prevention of diabetes through September 30, 2009.

Unfortunately, imperative improvements to the Medicare program have been dropped from the bill. Improvements approved in the House in August include mental health parity for seniors, making prevention more accessible by eliminating co-pays and deductibles for preventative services like mammograms and colonoscopy screenings, and expanding programs that help low-income seniors pay for their health care and prescription drugs.

The Children's Health Insurance expansion that has been dropped from the bill would have extended children's health insurance to enroll 6 million kids that are currently eligible for the program and not yet enrolled. That's in addition to the 6 million low-income children already receiving health care under the SCHIP program nationwide, including 55,000 kids in my home state of Michigan whose parents make between $20,535 and $41,300 a year.

I urge my colleagues to support the short-term extensions in the legislation before us today, and to join me in addressing long-needed reforms to Medicare and SCHIP in the new year.

Ms. WOOLSEY. Madam Speaker, I support S. 2499, the Medicare, Medicaid and SCHIP Extension Act of 2007. It's important that Congress pass this legislation today to ensure that our Nation's poorest children retain their health insurance and doctors who take care of our seniors on Medicare do not receive a 10 percent cut in reimbursements.

It's deeply disappointing that this bill doesn't address the issue of the Medicare physician geographic payment discrepancy that is faced by many areas in California and across the country. One of these areas is Sonoma County, in my District. This inconsistency has led to doctor's reimbursements being based upon their geographic location and not the true cost of providing services. Because of this discrepancy, doctors in Sonoma County receive a lower payment for the same services than doctors in next door Marin County and this discrepancy is causing doctors to leave Sonoma County. Congress needs to act to fix this discrepancy and ensure that physicians with Medicare patients can continue to afford to see their patients regardless of where their practice is located.

Because of the Republican led efforts, the bill only delays a real solution to the Medicare physician payment cuts that all doctors are facing. We can and must do better for our seniors. When the Medicare extension expires in June, we owe it to our seniors and physicians to replace it with a permanent fix to the physician payment cuts and payment discrepancies.

With this bill, the State Children's Health Insurance Program (SCHIP) will be extended and states will receive enough funding to keep all the children currently enrolled on SCHIP from being removed from the program. But, this bill doesn't help the millions more children whose families cannot afford health insurance and who should be covered under SCHIP. Earlier this year, Congress passed an SCHIP bill that would have given 4 million more children healthcare, for a total of 10 million children receiving healthcare on SCHIP. However, the Administration showed that its priorities are completely out of line with the rest of this country when it vetoed that legislation. We need to do better for our nation's children and provide all of them with the healthy start and security that SCHIP can provide.

I urge my colleagues to support this bill and look forward to working with them to provide a permanent solution to the Medicare physician payment issues and in ensuring that every child in America is insured.

Mr. LANGEVIN. Madam Speaker, I rise today to express my support for S. 2499, the Medicare, Medicaid and SCHIP Extension Act. This bill includes a number of provisions that are essential to the continued delivery of vital healthcare programs to our Nation's most vulnerable citizens.

This measure offers much-needed relief to physicians that serve our Medicare population by providing a 6-month suspension of the 10-percent cut in Medicare payments scheduled to occur on January 1, providing instead a modest increase of 0.5 percent. It also extends important incentive payment programs that provide a 5-percent bonus to physicians serving areas with a shortage of doctors, while ensuring that Medicare beneficiaries have continued access to therapy services through June 30, 2008.

Also included in this bill is a vital extension for the State Children's Health Insurance Program (SCHIP) through March 31, 2009. Currently, 24,900 Rhode Islanders are enrolled in

the SCHIP portion of Rhode Island's model RITE Care program. As a proud Representative of Rhode Island and a longtime supporter of SCHIP, I cannot stress enough how important this program is to the health and well-being of our children, expectant mothers and parents alike. Although this was not the outcome that I and many of my colleagues originally envisioned for SCHIP, this extension is crucial for States like Rhode Island that are facing tremendous budgetary shortfalls.

Madam Speaker, access to quality, affordable healthcare is integral to the prosperity of every American. While I am pleased that this Congress was able to reach a compromise to provide temporary relief for our country's most important safety net programs, I believe that we have the potential to do so much more. Health care providers that have pledged to continue serving the aging, disabled, and low-income citizens deserve more than stopgap measures and temporary relief. This Congress has an obligation to take meaningful action to reform and stabilize the Medicare provider payment system, as well as to ensure the continued strength and success of our Medicaid and SCHIP programs. To that end, I will continue to work in a bipartisan manner with my colleagues in an effort to guarantee that these issues are properly addressed in this and future Congresses.

Mr. ETHERIDGE. Madam Speaker, I rise in support of this legislation and the critical services provided by Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP). This legislation ensures continued access to our nation's health care system for our most vulnerable citizens—children, seniors, the poor, and the disabled. It also extends incentives that allow health care providers to maintain practices in rural areas. These federal efforts are critical to maintaining healthy and productive communities across the country, and particularly in North Carolina's 2nd District.

North Carolina's citizens are at risk when reimbursements to physicians fall below the cost of providing care, and doctors must shut their doors or turn away patients because they cannot afford to attend to them. North Carolina's citizens are at risk when children go without care, and untreated illnesses or foregone preventative care reduces the health and productivity of those who will build our future. North Carolina's citizens are at risk when Congress fails to act to preserve benefits that they depend on.

The health of Americans and the future health of America depend upon the availability of and access to health care. I applaud our leaders in the House and Senate for working in a bicameral, bipartisan manner to craft this legislation so that our doctors, hospitals, and other health care providers can continue their service to keep our citizens healthy.

This legislation improves physician quality and access by averting the planned 10 percent cut in physician payments and extending the Medicare physician quality reporting system. It continues Medicare policy that provides a measure of fairness to the payment system for rural providers so that they can continue providing valuable services to individuals in rural parts of the 2nd District and across the country. I am hopeful that when Congress returns in 2008, we make extending these provisions on a long-term basis a priority so that providers can plan to remain in our communities for the long-term.

As the only former State schools chief serving in Congress, my life's work has been to provide for a better future for the next generation, and health care is critically important to that effort. This legislation averts the threat that States will run out of funds for the State Children's Health Insurance Program, or SCHIP. North Carolina's Health Choice, which serves over 250,000 needy children, will now be able to plan enrollment for the next year, whereas without this legislation it would have run out of money next March. While I am disappointed that this legislation does not enable the coverage of additional children, we owe it to the children currently served by SCHIP to ensure that they are continuously covered and can get the health care they need when they need it. I look forward to working with my colleagues in the future to fulfill the vision of health access for all children.

Madam Speaker, a lack of access to health care has impact beyond the individual who suffers a sickness without treatment. Untreated illnesses have long-term consequences, and ensuring access to health care contributes to a healthy and productive society and heads off expensive treatments down the road. This legislation is necessary to keep providers in our communities, and I urge my colleagues to join me in supporting it.

Mr. SPACE. Madam Speaker, I rise today in support of the legislation before us that will help both seniors and children alike receive the health care that they deserve, and continue our national investment in combating chronic disease.

I am particularly pleased to see that the legislation includes an extension of the Special Diabetes Program, which affords critical research funding to research into type one diabetes. Every year, thousands of parents receive the tragic news that their child will have to bear the burden of juvenile diabetes. With this news comes the realities of a life permanently changed by a disease for which we currently have no cure.

As I have shared with the House before, I am one of these parents. Nearly a decade ago, my wife and I learned that my son Nick would have to face the challenge of type one diabetes. We have been blessed and fortunate that Nick has lived an active and normal life. His successes are in large part thanks to the insulin pump he wears and other innovations that help type one diabetes patients manage their disease.

While Nick and so many other children have been able to manage their disease, they still worry about their future. It is the obligation of Congress to work towards finding a cure. The Special Diabetes Program provides the guarantee of continued, groundbreaking research into this disease. The yields of this research hold unquestioned promise for a better future.

I am disappointed that the extension of the program prescribed in this legislation is only one year. An overwhelming bipartisan group of my colleague in both the House and Senate expressed support for a longer extension of the program. Unfortunately, those who carry the weight of type one diabetes were casualties of partisan warfare over other, unrelated issues.

I look forward to working with my colleagues next year to ensure a longer renewal of this legislation. Congress has an obligation to lead the charge against this disease. I know that we can meet this challenge if we work together.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2499.

The question was taken.

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

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1396) to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1396

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

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA.

The Secretary of Veterans Affairs may carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $20,534,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

I want to thank all the Congress colleagues from Georgia, especially my Atlanta colleagues Mr. JOHNSON and Mr. LEWIS, and especially the Senator from Georgia, Senator ISAKSON, for making sure this is on the floor today.

The poor state of a lot of the infrastructure of the Veterans Affairs is well-known.

Through what we call the CARES process, the Capital Asset Realignment for Enhanced Services, the department found that the existing inpatient wards at the Atlanta VA Medical Center are far below community standards.

This renovation project will go a long way to address the American with Disabilities Act accessibility requirements, the needs of women veterans, particularly as they relate to privacy issues, and the improvements in efficient functional design.

These deficiency corrections are long overdue, and we think they will be met

here. These infrastructure improvements to utility systems will include the plumbing, electrical, fire and safety concerns on the inpatient floors.

With the ongoing conflicts in Afghanistan and Iraq, it is even more important that the VA is able to provide the best health care available in the most updated and modern facilities.

In fiscal year 2005, this project received $20.5 million, and S. 1396 provides the reauthorization of this project to move forward.

I urge my colleagues to support this bill, and I want to thank the ranking member, Mr. BUYER, for his cooperation. I know that he has great respect for the CARES process and would like to consider all of the facilities in one construction bill. We are pledged to do that early next year, but I think this is an obvious need at this moment, and I look forward to working with the ranking member to make sure we meet the needs of VA infrastructure across the whole country, and we intend to work together and do that early next year.

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I also want to thank our committee chairman, Mr. FILNER, for working with me in a true bipartisan manner to expeditiously bring S. 1396 to the floor before we adjourn this year. I'd also like to thank the leadership of both parties for bringing this to the floor before we adjourn.

This bill would authorize $20.5 million for the Department of Veterans Affairs to carry out a major medical facility project to modernize patient wards at the VA Medical Center in Atlanta, Georgia.

The President's budget submission for VA for fiscal year 2008 identified this project as the Department's number one major construction authorization request. Without this authorization, the VA would be unable to move forward with this needed project to update and improve patient services for veterans at the Atlanta VA Medical Center.

I also want to thank Senator JOHNNY ISAKSON for his efforts to pass this legislation in the Senate, and for the efforts of Senator SAXBY CHAMBLISS, who I've also personally spoken with. Both of these Senators have an interest in this project. I'd also like to recognize my good friends, PHIL GINGREY and TOM PRICE, who both introduced a companion bill earlier this year, and for their work and advocacy on this legislation, to also include my colleagues NATHAN DEAL, JACK KINGSTON, JOHN LINDER and PAUL BROUN.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding, and I also want to thank Chairman FILNER and Mr. BUYER, Senators ISAKSON and CHAMBLISS, but also my Democratic colleagues. The chairman mentioned those, JOHN LEWIS, HANK JOHNSON, DAVID SCOTT and others, but TOM PRICE and I introduced this bill, H.R. 4143, many months ago, but we had unanimous support of the Georgia delegation on both sides of the aisle, and as we should, Madam Speaker, because this is the VA's number one priority for authorization in fiscal year 2008 veterans budget. So I am very pleased.

I know this is the 11th hour, but thank goodness, because of the leadership on both sides of the aisle and in both bodies, this is coming to fruition.

As Chairman FILNER pointed out, there are ADA requirement issues. There are patient privacy issues. There are female veterans issues. So this is a hugely important project, and I thank my colleagues for making this happen.

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

Mr. BUYER. Madam Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I thank my friend for yielding and for his leadership, and I want to thank the chairman as well for his leadership, commend my colleagues in the United States Senate, Senator ISAKSON and Senator CHAMBLISS, for their assistance on this as well, and thank my physician colleague from Georgia, Congressman GINGREY, for assisting in moving this forward, also.

As a physician, I clearly understand and appreciate the need for facility improvements at the facility in Decatur, in Atlanta, Georgia. I recognized that during my training, Madam Speaker, when I did some of my training at the VA hospital in Decatur, and that was nearly 30 years ago, so it's high time that we finally get around to providing the resources to improve the infrastructure within the VA facility in Atlanta, in Decatur.

I had the opportunity, Madam Speaker, to visit the VA hospital last week and delivered some Christmas cards, holiday cards to our veterans who were there, had a wonderful tour of the facility, and some of it had undergone significant refurbishment and improvement. Some of it had not.

There are many wonderful men and women who are working diligently there to provide the highest quality care for our veterans. That will be facilitated by the work that this bill will allow, and so I'm pleased to stand with my colleagues in support of this bill and urge its adoption.

Mr. FILNER. I'm prepared to yield back when the gentleman from Indiana yields back.

Mr. BUYER. Madam Speaker, I also would like to mention the work of LYNN WESTMORELAND, also of Georgia, and once again, I think the clashes over the years between Mr. FILNER and myself are legend.

We had a very good discussion yesterday. So I want all of our colleagues to know that Mr. FILNER and I sat down. We had a good lunch. We had very good substantive discussions about a way forward, and we've come to the floor with this bill in a bipartisan manner.

We both recognize as we go into next year that the construction bill will be one of the top priorities for both of us to work together. It is very unusual to sever any construction projects out of a bill. I don't care whether it's the MilCon bill or out of the VA construction bill; this is highly unusual what we're doing here today.

But Mr. FILNER and I are going to work together in a bipartisan manner for the greater interests of veterans in this country, and we're going to use this bill as a springboard to greater things.

In the end, I also want to reiterate my comments. Senators CHAMBLISS and ISAKSON are strong supporters of our men and women in uniform and our Nation's veterans during their distinguished careers both in the House and the Senate.

With that, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1396.

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

There was no objection.

Mr. FILNER. Madam Speaker, again, I thank Mr. BUYER for his comments. Putting this bill on the floor as quickly as we did shows what can happen when we work together. I'm looking forward to that mutual discussion of priorities. We are pledged to deal with this aging infrastructure of the VA. It has got to be remedied as quickly as possible, and we're both committed to working to do that.

So I urge my colleagues to support S. 1396.

Mr. BROUN of Georgia. Madam Speaker, as a young man, I came to believe that it was simply my duty as a citizen to serve in our Nation's Armed Forces. So, it was just a natural thing for me to volunteer for service back in the early 60s. I joined the Marines, later also served as a medical officer in the Navy, and finally took a billet in the Georgia Air National Guard.

My military experiences, I believe, helped make me a better man. It certainly gave me an understanding of military life, and first-hand knowledge of the needs facing military personnel, military families, and our veterans. Those insights guide me as the Congressman for Georgia's 10th Congressional District.

The Federal Government must fulfill its promises to our veterans. We must give them the very best quality health care that is available anywhere in this country. It's important not only to the current veterans but also to the troops that are on active duty today, as well as the volunteers that we need to recruit to serve their country in the military.

As a medical student in Augusta, GA, and during my residency training, I worked in a number of VA hospitals. This experience gives me a unique perspective toward the veterans' needs, which most Members of Congress are not privileged to have. Consequently I have a tremendous desire to get the Federal Government to fulfill the promises it has broken to our

national heroes, the veterans. This bill is a step in that direction.

It is critical that the VA facilities in our Nation are modern, best equipped, and able to give the kind of care that our veterans deserve.

This bill will help to do that by giving veterans in Georgia and the Southeast a modem, up-to-date facility.

I am very sure that keeping the United States the freest Nation in the history of the world means that we must maintain the most powerful military on Earth.

As a member of Congress my priorities regarding military issues are these:

1. Provide our troops with the best training and the best technology.

2. Provide adequate compensation and benefits.

3. Do everything I can to help promote high morale and espirit de corps.

4. Support the spouses and children of military personnel.

5. Improve medical care for our wounded warriors and our veterans.

6. Keep the commitments made to our veterans regarding benefits.

I want to take just a moment of your time to provide you with an update on what I have done since I won the Special Election and was sworn into office last July:

1. Co-sponsored H.R. 3793 Veterans Guaranteed Bonus Act of 2007 requiring the secretary of Defense to continue to pay to a member of the armed forces who is retired or separated from the armed forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated.

2. Co-sponsored H.R. 1110 amending the Internal Revenue Code of 1986 to allow federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

3. Co-sponsored H. Res. 111 establishing a Select POW and MIA Affairs Committee.

4. Co-sponsored H.J. Res. 67 supporting a base defense budget that at the very minimum matches four percent of gross domestic product.

5. Co-sponsored H. Res. 784 recognizing and honoring, in community post offices, the service of men and women of the U.S. Armed Forces deployed overseas.

6. Co-sponsored H.R. 1808 designating the Department of Veterans Affairs Medical Center in Augusta, GA, as the 'Charlie Norwood Department of Veterans Affairs Medical Center.'

7. Supported and spoke in favor of this bill S. 1396 to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia

I encourage all of my colleagues to support this bill as well as any future bills that will give veterans the kind of health care they deserve.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 1396.

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

A motion to reconsider was laid on the table.

□ 1145

OFFICER JEREMY TODD CHARRON POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1896) to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1896

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

SECTION 1. OFFICER JEREMY TODD CHARRON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, shall be known and designated as the ''Officer Jeremy Todd Charron Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Officer Jeremy Todd Charron Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I join my colleague in the consideration of Senate 1896, legislation naming a postal facility in Hillsborough, New Hampshire, after the late Officer Jeremy Todd Charron. This measure was sponsored by Senator JOHN SUNUNU, Republican of New Hampshire, on July 30, 2007, and unanimously reported by our committee on October 23, 2007.

A member of the New Hampshire Police Department, Officer Charron died in the line of duty, gunned down while questioning two individuals. He passed away on August 24, 1997. Naming a postal facility after Officer Charron is a fitting way for the Hillsborough community to honor his memory.

Madam Speaker, I urge swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

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

Jeremy Todd Charron was a dedicated protector of both his State and country. An intense, goal-oriented young man, he aspired to be a marine since the second grade. After graduating high school, Jeremy fulfilled that dream and joined the Marine Corps, where he proudly served his country for 4 years.

After his enlistment term ended, Jeremy's passion to serve his community and protect others led him to join the Epsom Police Department with the goal of ultimately becoming a State trooper.

Tragically, on August 24, 2007, after attending two fellow officers' funerals, Jeremy was gunned down while questioning two suspicious individuals. Despite his fatal wounds, Jeremy fought back. He returned fire until he collapsed, forcing his killers to flee and steal a nearby truck that was identified by police and ultimately led to their capture.

Leadership was a trait of Jeremy's throughout his short life, whether on the soccer field or as high school class president. He was also known as someone who would defend those who were unable to defend themselves.

Jeremy Charron proved his dedication to honorably serving others, both in the military and as a law enforcement officer who ultimately sacrificed himself in order to keep his community safe.

On this, the 10th anniversary of the death of Jeremy, it would be fitting to name the Hillsborough, New Hampshire, postal facility in his honor. So I join my colleague from Illinois in asking all Members to support the naming of this post office to honor this American hero.

Mr. HODES. Madam Speaker, I am pleased to rise in support of S. 1896, which would designate the U.S. Post Office located at Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office." Officer Charron, " who died at the young age of 24, served the people of New Hampshire admirably, and this bill would be a fitting tribute to his courage and sacrifice to the Granite State.

Jeremy was a graduate of Hillsborough-Deering High School, where he was elected to be the president of his senior class. After graduating high school, he served in the United States Marine Corps from 1992 to 1996 and went on to attend the New Hampshire Police Academy.

Six weeks after graduating from the academy, in the early morning of August 24, 1997, Officer Charron noticed a suspicious car parked in Webster Park in Epsom. When the two people inside stepped out of the car, Officer Charron was fired upon three times, with one round entering his unprotected left side.

Although mortally wounded, Officer Charron was able to return fire. He struck the vehicle several times even as the car fled from the scene before succumbing to his wounds. The

suspects were later captured by local law enforcement, and the gunman later pled guilty to capital murder and was sentenced to life without the possibility of parole.

Officer Charron is survived by his parents, Robert and Frances, his two brothers; Robert and Andrew, and his two sisters; Amanda and Bethany.

Madam Speaker, every day police officers throughout New Hampshire and the nation don their uniforms and serve with honor and courage. I urge my colleagues to support S. 1896 today to help ensure that we don't forget the sacrifice made by this brave young man, a hero in New Hampshire and a true American hero.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 1896.

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

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on the morning of December 18, 2007. If I were present for rollcall votes, I would have voted ''yea'' on each of the following bills: rollcall 1174, rollcall 1175, rollcall 1176, and rollcall 1177.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. Res. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–498) on the resolution (H. Res. 893) providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3996, TAX INCREASE PREVENTION ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–499) on the resolution (H. Res. 894) providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on or before the legislative day of December 19, 2007, providing for consideration or disposition of any of the following measures:

(1) A bill relating to the Children's Health Insurance Program, or an amendment thereto.

(2) A bill relating to Medicare, or an amendment thereto.

(3) A bill relating to the alternative minimum tax, or an amendment thereto.

(4) A joint resolution making further continuing appropriations for the fiscal year 2008, or an amendment thereto.

(5) The bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, or an amendment thereto.

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

Mr. WELCH of Vermont. Madam Speaker, for the purpose 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.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 876 waives a requirement of clause 6(a) of rule XIII. That rule, as you know, requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This will allow for the same-day consideration, today, of any resolution reported on or before the legislative day of December 19, 2007. It provides for the consideration or disposition of, one, a bill relating to the Children's Health Insurance Program and a bill relating to Medicare, something that at this point is moot in view of earlier proceedings today. But it also has an application on a bill relating to the alternative minimum tax; a joint resolution making further continuing appropriations for fiscal year 2008, the so-called CR; and the bill, H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, the so-called omnibus appropriations bill.

With passage of this rule, it allows the House to move one step closer to passing this omnibus appropriations bill that will fund the government outside of the Department of Defense. That, of course, we have already completed our work on and it has been signed into law by the President. And it will provide for funding for the entire fiscal year of 2008. It will also take us one step forward towards considering and passing a patch for the alternative minimum tax, which will affect, unnecessarily and unwisely, 23 million American families. They would be subject to paying a tax that was never intended for middle-class working families.

All of these bills, obviously, are crucially important pieces of legislation that Congress must act on before we go home, and we owe it, obviously, to the American people to get this work done.

The omnibus bill is going to reject enormous cuts that had been proposed by the President in his draft budget, cuts to essential domestic priorities such as health care, education, law enforcement, homeland security, highway infrastructure, and renewable energy programs. That omnibus bill instead does invest in crucial domestic priorities: medical research to study diseases like Alzheimer's, cancer, Parkinson's, and diabetes; health care access, including programs like the Community Health Centers that provide more access to health care to underinsured Americans. Small rural hospitals will be helped. Special education, teacher quality grants, afterschool programs, and Head Start; Pell Grants and other student aid programs; technical training at high schools and community colleges; State and local law enforcement for communities across the country; Homeland Security grants to help fight in the war on terror. This meets the guaranteed levels for higher infrastructure and adds funding to our Nation's bridges. It also provides funding for solar energy, wind energy, biofuels and energy efficiency with a careful blend of new scientific investments and conservation efforts.

This same-day rule will take us one step closer to completing our work this year.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. I want to thank the gentleman, my friend from Vermont, for yielding. And, Madam Speaker, I yield myself such time as I may consume.

''I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague the United States House of Representatives. We have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy no matter what your ideology, no matter what your party affiliation.''

Madam Speaker, those are not my words nor are they the words of my Republican colleague from the Rules Committee, Congressman LINCOLN DIAZ-BALART, who spoke these same words on the floor on Monday. They are not the words of my staff or some journalist who is covering the Democrat majority heavy-handed floor tactics. No. These are the clear and clever words of the gentleman from Massachusetts, our Rules Committee colleague, JIM MCGOVERN. He spoke these words on several occasions last year regarding what was then eloquently called ''martial law rule.''

I will also use this opportunity to point out another comment that the gentleman from Massachusetts made about martial law rules.

□ 1200

His quote is particularly interesting because it was given to each of us on this floor last year on December 6, just a month before the Democrats took control of the House of Representatives, well after the election. He spoke about how the Democrats proposed to run the House, which today stands in sharp contrast to what they are actually doing.

About 1 year ago, the gentleman from Massachusetts said, ''Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in the House. We must insist on full and fair debate on the issues that come before this body.''

Now, I and all of my Republican colleagues must ask, a year into the new Democrat majority, where is the openness and fairness that Mr. MCGOVERN spoke about? Where is the openness on the energy bill rule where over 90 amendments were prevented from being considered on the House floor, including a Republican substitute? Where was that openness when we considered SCHIP reauthorization and, what, we had a closed rule?

I can help my colleagues on the other side of the aisle to find out because I know exactly where it is; they left it off on the campaign trail. This, like their promises to disclose earmarks and to run the most ethical and open Congress in history, was an empty promise. It is an empty promise which is becoming more and more evident from the opening day of this new majority, when the Democrats wrote into the rules of the House closed rules for consideration of the first six bills that we were to take up, in effect, discharging the Rules Committee from its duties and setting a new partisan tone for this Congress. Not much has changed since then, Madam Speaker.

Lacking the courage of their convictions to change what they perceived to be problems with how Republicans ran the House, the Democrat remedy for changing unfair practices in the Rules Committee was to have no Rules Committee at all. And that trend of closing down the House to Members that started back then, sadly, continues to this day.

Madam Speaker, there is a better way to run this body. The truth is is that the American people expect and deserve better. That's why the 110th Congress must be different. I believe we must and we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body.

Oh, by the way, following the rules of the House of at least presenting a bill 24 hours before it comes to the House floor would be a great place to start, because I know it's on the Speaker's Web site saying that that's the way we should operate. We're still waiting.

Madam Speaker, a year ago at this time, despite the House passing all but one of our spending bills, Democrats were on the campaign trail railing against Republican leadership, calling it a ''do-nothing'' Congress. Well, if last year was a failure because of Congress' ability to get all but one appropriations bill to the President for his signature on time, then what does that mean that this year we should think about Democrats when Democrats have failed to get more than one to the President after holding back popular bipartisan bills like veterans funding for their own political partisan gamesmanship?

Madam Speaker, I agree with the Democrats of 2006, not the Democrats of 2007. So, I rise in opposition to this martial law rule.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, we have no additional speakers on this side. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I think we've said enough. I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I thank my friend from Texas. And I will respond and close.

A couple of things. First, let's be focused on the fact that the rule that is going to be before the House really applies to two things: consideration of the alternative minimum tax and consideration of the omnibus appropriations bill. And the rule is being brought up for same day consideration in recognition of the fact that there has been enormous work on both sides on the AMT. There is nothing new. And, in fact, the AMT bill that will be brought before the House for consideration today corresponds with the view of the minority as to that being passed without pay-fors.

And secondly, the omnibus appropriations bill is bringing before the House appropriations that had been passed in 11 separate appropriations bills but have now been consolidated as a result of the inability of our friends in the Senate to pass those bills individually as we did here in the House. So, there is nothing new that is coming up before the Members of the House. It's just the convenience of being able to act today rather than wait until tomorrow.

Secondly, my friend from Texas made some assertions about the conduct of this House in application to the rules. You know, context is everything. The reality is that virtually every piece of legislation that has been brought before the floor has received bipartisan support. Many of the items that the gentleman mentioned in the ''Six for '06'' legislative agenda, student loan cost reduction, price negotiations for prescription drugs, the restoration of the PAYGO rule, these were passed with overwhelming support on the Democratic side and substantial support on the Republican side. When they got to the other body, the Senate has been using, frankly, politics of obstruction to stop virtually anything from being considered: the filibuster, the hold. Every device available procedurally to avoid taking up a ''yes'' or ''no'' vote on a question has been employed by the Senate. And there is a sense by many on our side that the criticism that my friend from Texas is making that we have not done as much as we should in Congress, despite the fact that we in the House have passed substantial legislation helping the bottom line for American families, has been an explicit strategy on the part of the other side to use every rule, every device, every procedural opportunity basically to thwart passage of legislation. And they have the full and complete support of the President of the United States in that effort, who stands behind the whole agenda with the veto pen.

And the President appears to many of us to be operating on a one-third-plus-one approach where, as long as he can get his veto sustained, he will be able to block passage of legislation the American people need and then accuse the Congress of not getting anything done. And I think most Americans see through that.

So, Madam Speaker, with the passage of this rule, the House will move towards adjournment for this year and

have an opportunity to pass the omnibus appropriations bill and the AMT fix.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. During consideration of House Joint Resolution 72 or the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either measure to such time as may be designated by the Speaker.

SEC. 4. House Resolution 849 is laid upon the table.

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

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 893.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, H. Res. 893 provides for consideration of two measures, an amendment to the omnibus appropriations bill to provide funding for the wars in Iraq and Afghanistan and a continuing resolution. Each measure is debatable for 1 hour.

The continuing resolution is necessary to keep the government open and running while the omnibus bill is processed and sent to the White House for the President's signature.

Madam Speaker, while I have no problem with the rule that is before us, I cannot support the underlying funding for Iraq. The tens of billions in new money for the war in Iraq has no timetables for withdrawal, no limitations, no requirements that the Iraqi Government make progress towards reconciliation, no benchmarks, no conditionality, nothing. Madam Speaker, this is a blank check.

The new money in this bill represents one cave-in too many. It is an endorsement of George Bush's policy of endless war. It is stunning that so many have gone along for so long asking no questions, giving this President everything he wants.

After years of Bush ineptitude, how dare this Congress provide another blank check for this administration. No weapons of mass destruction, a constantly changing rationale for our occupation, benchmarks for the Iraqi Government that never get met, no democracy, no respect for human rights, no reconciliation, a government plagued with corruption, and no end in sight. All this, Madam Speaker, and some of my colleagues still say, ''stay the course.''

Our brave men and women in uniform have done their job. So many have sacrificed, and far too many have made the ultimate sacrifice. They have been successful in some areas of Iraq in quelling some of the violence, essentially providing the chance, the window of opportunity for the Iraqi Government to move ahead with efforts for reconciliation.

□ 1215

The response of the Iraqi Government has been to do nothing. No reconciliation.

Isn't our responsibility, as Members of Congress, to raise questions? Shouldn't we put pressure on the Iraqi Government to do more? And shouldn't we put pressure on our own government to not be such a cheap date? Don't we owe our soldiers whom we put in harm's way better than acquiescence to a Commander in Chief who is incapable of ever admitting error?

Madam Speaker, there is no military victory to be had in Iraq. To the extent that this awful situation becomes less awful depends on political progress, something the Maliki government doesn't want to do, and something our own leaders seem willing to keep putting off.

I want more, Madam Speaker, I expect more, for the sacrifice our troops have made. Quite frankly, the status quo is not worth one more American dollar or one more drop of American blood. I am sick to my stomach when I think of the hundreds of billions of dollars that we have already spent in Iraq while we nickel and dime our own people at home. None of this war is paid for. It is all borrowed money. It's all on the backs of our kids. It's all debt that is being bought up every day by China.

Madam Speaker, I long for the day when we have a President who will threaten a veto on a bill that fails to provide all our people with health care, or that fails to adequately fund education for our children. Instead, we have a White House that engages in blackmail tactics: Give me what I want on Iraq, with no strings attached, or I'll shut the government down.

Those who defend the status quo say that we need to give the President whatever he wants so we can assure ''victory.'' ''Victory'' at the beginning of this war was ridding Saddam Hussein of weapons of mass destruction. When we found that there were none, the definition of ''victory'' changed. In fact, over the last 5 years, the definition of ''victory'' has changed several times.

For me, the closest thing to victory is ending this war, getting an Iraqi Government that puts national reconciliation above its own self-interest and getting our troops out of that country and home to their families where they belong. I believe the surest way to get that type of victory is setting a firm timetable for the U.S. occupation of Iraq to end. It will change the dynamic, and it will force the Iraqi Government to embrace, rather than avoid, reconciliation.

In fact, in today's Washington Post, the U.S. military has found that the strongest point of agreement among all Iraqis across all sectarian and ethnic groups is the belief that the U.S. military invasion of their country is the primary root of the violent differences among them and that the departure of ''occupying forces,'' their words, is the key to national reconciliation.

Madam Speaker, the Iraqi people themselves firmly believe that reconciliation will not happen until we leave. If the Iraqi people want us to

leave, and a majority of the Iraqi Government want us to leave, and a majority of the American people want us to leave, then why on Earth are we staying?

Let me also state, Madam Speaker, what ''victory'' is not. It is not allowing this President to kick the ball down the field and dump this war on the next President of the United States. That is called ''passing the buck,'' and that is what we will be doing if we approve this new Iraq money.

One final observation. The war in Iraq has not only cost us dearly in terms of human life and treasure, it has also cost us in terms of our standing in the world. We have lost the support and the respect of so many who have looked to us as a force for what is good, decent and positive in world affairs. I warn my colleagues that our lost prestige and standing is also a threat to our national security. Madam Speaker, I want my country back.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, first I would like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time, and I yield myself such time as I may consume.

We are here 80 days into the new fiscal year, and one appropriations bill has been signed into law. Today, we are here to consider hopefully the last piece of the appropriations puzzle, as well as yet another continuing resolution before the omnibus appropriations bill is sent to the President.

What is so interesting about this process is that the omnibus bill that has finally come before the House in many ways is very similar to the proposals that the minority has advocated for months, and is very similar to what we predicted would, in fact, be the legislation that ultimately would become law. However, Madam Speaker, instead of working toward a compromise, a bipartisan resolution to this legislation, a bipartisan product, the majority decided to use the appropriations process to, in effect, score political points while funding for our troops in critical theaters of operation has been dangerously delayed.

Now, the underlying amendment we will consider today will finally help bring our appropriations process to a close, and it will do so in a fiscally responsible manner, funding the Federal Government and funding our troops in critical theaters of operation without preconditions and without strings. These funds will allow for the progress that we have recently seen to continue to take hold. It will allow for our men and women in uniform to continue to do their job as they have done so, so effectively, in fact, so heroically for so long.

I think commendation is due. I think congratulations is due to all who have worked on this process, and that congratulations I think is due to those on both sides of the aisle who have worked hard, have worked diligently, to come up with this final appropriations legislation work product that will fund the Federal Government for the next fiscal year, and especially, as I have said, will continue to fund in critical theaters of operation our men and women who are doing such an extraordinary job and who deserve our unrestricted support.

There are very important, very important endeavors, efforts and projects that are funded in this appropriations bill, in this omnibus appropriations bill. We cannot, I believe, emphasize sufficiently, especially at this critical time, our support and the continued need of our support for our great ally and friend, Israel, that lives in an area of the world that is extremely dangerous. And while we have the benefit of thousands of miles between, for example, the state sponsor of terrorism in Iran, the regime in Iran, Madam Speaker, while we have thousands of miles physically separating us from that state sponsor of terrorism, our friend and ally, Israel, does not. And so I have always felt very strongly about our need to support Israel. The fact that this appropriations legislation includes the support that it does for our friend and ally, Israel, is something that I think is very important. And there are many, many aspects of this legislation that we, on a bipartisan basis, can be very proud of. And we, I think, will have further opportunity to discuss them.

But today, I am told that there are some glitches that need to be worked out, and that the majority needs some time and the appropriators need some time on both sides of the aisle to work them out. So we will be hopefully seeing those glitches being resolved in the next minutes and hours.

As we wait for those glitches to be resolved, we are cognizant of the fact that we are finally bringing to the floor the rule that will allow for consideration of the final legislative product on the appropriations for this year.

With that in mind, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, if I can inquire if the gentleman from Florida has additional speakers.

I will reserve my time at this point.

Mr. LINCOLN DIAZ-BALART of Florida. I would like, at this time, Madam Speaker, to yield such time as he may consume to the distinguished member of the Rules Committee, my friend, Mr. SESSIONS of Texas.

Mr. SESSIONS. I want to thank the gentleman from Florida, my friend, for yielding me the time.

Madam Speaker, we are here right now for the purpose of providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 2764. That is what we are here for. I will repeat that. We are here for providing for the consideration of the Senate amendment to the House amendment to the Senate amendment. It is rather confusing, not just to Members of Congress. It is confusing, I think, to the American people, also.

Madam Speaker, today, I would like to just read from the Calendar, Wednesday, December 19 on the back page, ''Status of Major Bills, First Session.'' Here is essentially what it says.

It says that Homeland Security appropriations was completed on June 8 in the House and July 26 in the Senate. Never sent to conference.

Energy and Water appropriations, July 17. Never completed by the Senate.

Military Construction and VA, June 15 in the House, September 6 in the Senate.

The new fiscal year has already started. This new Democrat majority has been sitting on these bills, including the VA, since September 6. And yet they are coming to the floor today just a week before Christmas terribly upset, terribly upset, and yet it says here, let me see if I got this right, sent to conference, these are all blanks. They didn't go to conference. The Speaker of the House and the Senate majority leader never had a conference. They didn't get together to try and work out the differences that they had. What they did is they let Members sit day after day after day.

Just 1 year and 75 days ago, when Republicans had completed all but one of these bills, we were called irresponsible and we couldn't do the people's business. And yet here we are, 1 year later plus 75 days, and only one of the bills has made it to the President. I could keep going. Financial Services and General Government; Labor, Health, Human Services and Education.

My gosh, what is happening?

□ 1230

What is happening to this House of Representatives and the United States Congress? What is happening is that I believe we had what I would consider to be false hopes and promises that were established in the first place about all these problems that were going to go away. Just give our good friends, the Democrats, that ability to hold the House and Senate, and they will do it. But, Madam Speaker, they didn't even get the work done between themselves, forget blaming things on the President of the United States or Republicans. They couldn't even appoint their own conferees. They couldn't even do their own work.

Today, we sit here and listen to all the things that are still wrong and about how Republicans have stood in the way and been obstructionists. That is not the facts of the case. The facts of the case are all these bills that I have talked about were never even sent to a conference, and today, the reason why we are still talking is because allegedly there is a glitch, a glitch, because the negotiations between the majority in the House and the majority in the Senate couldn't get it right. Well, if you do things in the dark, if you do things where nobody else is involved, that is

what you get. I am told it's a $70 billion mistake.

I just don't understand why business is done this way, when 1 year ago we had all but one bill done before the election. All but one. If you systematically go through a process and work through the bills in the light of day, where the information is posted on the Web site, where you give people time to read the bill, I think a better result happens.

I think it's deceptive. I think it's deceptive to say that this House would be the most honest, open, and ethical Congress in the history, when there was no attempt from the very beginning to even live up to that.

So here we are, just a few days before Christmas, still burning time, trying to burn time, because we know that the negotiators have to fix the problems, and that is a real problem to this House, and I think it is to the American people.

Madam Speaker, I would like to take just a few minutes to say this. The Republican Party congratulates our colleagues and all of us today for presumably ending what we are doing, and I am pleased to say that it was a victory for the taxpayers because we are not going to increase taxes, as our good friends the Democrats wanted to do and have bemoaned all week long about not getting that massive tax increase.

We are going to go and make sure in SCHIP that we don't take 2 million children from their own private insurance to a government-run program that is still overburdened. We are going to make sure that we don't do, I think, bad things in dealing with our ability to find terrorists with the FISA bill.

So it's a great victory today for the taxpayer, for the people who want to protect this country, because what has prevailed is what we said should happen, and that is that the Republican minority kept after this process to make sure that the taxpayers don't lose on this last day before we leave before Christmas, and we are going to stay after that because we believe we are doing the right thing.

I am proud of what we will accomplish here today if we can find this $70 billion mistake that has happened and we can close the books on the year and know we went home with no further damage.

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

First, let me just respond to the gentleman from Texas by saying he is entitled to his own opinions, but he is not entitled to make up the facts. The facts are that the difference between this Congress under the Democratic majority and under the previous Congress under the Republican majority is they left Washington before their work was done. They kicked all their work onto the Democratic Congress that was elected last November. They didn't do their job. If the Congress could be sued for malpractice, they would have been sued for malpractice.

The bills that we are dealing with today the House of Representatives passed in a timely manner, all of the appropriations bills, as we were supposed to do. We did it, and they were good bills, and I commend Chairman OBEY for his work on those bills. We did that in spite of all the obstructionism and resistance from the Republicans in this House.

Unfortunately, because of the Senate rules, an individual Member, and in the case of the Senate, the Senate minority leader, was successful in slowing down the process and preventing conference committees from meeting and preventing the Senate from considering certain bills. Now they can be proud of that. That is just obstructionism. That is not doing the people's business. But the bottom line is that we are here today dealing with an omnibus appropriations bill to get the people's business done; not to kick the ball down the field and dump it on next year's Congress. It is to do it now.

One other thing, Madam Speaker, and that is one of the major differences with the new Democratic majority is that we have helped undo some of the damage that the Republicans have done to domestic spending over the years. Because of the Democratic majority and our ability to reorder priority, education is better off today than it would be if the Republicans were in control. Medical research, there is more money for medical research to find lifesaving drugs and to find cures to disease because the Democrats made that a priority, over the Republican objections. Our veterans are getting a better deal today. Under the Democratic majority, there is the largest single-year increase in veterans health in the history of the Veterans Administration. Those are the things that we have done.

Today, we are considering a Senate addition to what we did in the House, which I have an objection to, and that is the funding for the war in Iraq. The Republicans, while they were in control, gave the President a blank check; no accountability, no questions asked, nothing. And here we are, the fifth year into this war, with no end in sight, and there are some of us who believe the time has come to call the President to account, to start the process of bringing our troops home so they can be reunited with their families.

So there's a huge difference between the Democrats and the Republicans.

Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from North Carolina, Mr. ETHERIDGE.

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

Madam Speaker, I rise in support of this rule and the omnibus appropriations bill. Finally, some good news from Washington. I am very pleased that the House has scheduled to vote on the disaster assistance package to provide relief to our farmers suffering from a record drought and record heat in the Southeast. My farmers are hurting. This omnibus appropriations bill will provide some $600 million for disaster assistance.

My congressional district in North Carolina has been affected by what is called ''exceptional drought.'' That is the most serious category that you can have. This aid will bring real relief to our rural communities. I have been proud to lead the charge on this effort. In September, I wrote a bipartisan letter to the President, signed by 54 of my colleagues from both political parties, to make the case for drought relief.

I have been very pleased to be able to work with Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Ag Chair PETERSON, and Appropriations Chairman OBEY to get this done. I want to thank them for their critical help. This is important to rural America. I also want to thank the Governor of North Carolina, Mike Easley, for his leadership.

Madam Speaker, I grew up in Johnston County and lived in farm country all my life. As a senior member of the House Ag Committee, I am also pleased that we have finally gotten this football to the end zone. This disaster assistance and the other things in this bill are a major achievement, and it's an important step forward, especially for America's farmers and the consumers of this country.

I urge my colleagues to join me in voting for it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 5½ minutes to the gentleman from Arizona, Mr. FLAKE.

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

I oppose this rule that will allow this omnibus to be brought to the floor. We had some discussion yesterday, and it should continue today, about the over 9,000 earmarks that are in this bill. It was mentioned by the majority leader yesterday, or the day before. He said, ''Having said that,'' in justification for bringing this bill forward, when it was pointed out that many of these earmarks had been brought to the floor for the first time with this bill, he said, ''this bill incorporates all of the bills that passed this House. This is not as if these are items of first impression. These are bills that we considered in this House and passed with essentially overwhelming bipartisan votes.''

That is only partly true. Yes, these bills, many of them were brought to the House before. A few of them left the House earmark-free. One of them, the Department of Homeland Security bill, we were told we can let this one go and not have the earmarks added because it isn't traditionally earmarked. Guess what? There are more than 100 earmarks that have now been airdropped into that bill. We are sitting today with hundreds, literally hundreds of earmarks that have been airdropped into the bill that we have never seen before yesterday. Never seen before yesterday, or Monday, I should say. That is simply wrong.

Let me give you just a couple of examples. There was $1.6 million for the City of Bastrop, Louisiana. According to the Bastrop Daily Enterprise, ''The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about $700 to $800, however, so $1.6 million would appear to be overkill.'' Police Chief Curtis Stephenson agrees, conceding, ''There's no way we need that kind of money just to put all our people in vests.'' Again, this was an earmark for bulletproof vests for the police officers in this city, and the city comes back and says, We don't have that many police officers.

We are told that these earmarks are vetted. How are they vetted? The answer is they are really not. They are not vetted by that party; they aren't vetted by this party. It's more of a game of ''Can you catch me with my hand in the cookie jar or not?''

Earlier this year, when I was challenging a couple of earmarks on the floor, one Member who had one of the earmarks I was going to challenge beat me to the floor to withdraw his own earmark because he didn't want the scrutiny that would come if that earmark were publicly debated. Later that same week, the Appropriations Committee, when they found out certain other earmarks might be challenged on the floor, called the Rules Committee and struck some other earmarks that were to be debated on the House floor because they couldn't withstand the scrutiny. That isn't vetting. That is hoping that your hand isn't caught in the cookie jar.

Now we have this bill today with over 9,000 of these earmarks. Now, the majority will say, Hey, that is a 17 percent reduction in the number of earmarks in our worst year. Put another way, that's like saying, You know, last year I smoked five packs a day and I am down to three this year. I darn-well quit. That is hardly something to pat ourselves on the back about.

Put another way, we have just 17 percent fewer earmarks than the worst year in congressional history for earmarking. Please don't use this side of the aisle as a bar with which to judge yourselves. That is a bar that a snake could crawl over. We didn't handle ourselves well in the majority with regard to earmarks. That is one of the big reasons we find ourselves in the minority today. But when the new majority came into power in January of this year, we were told that we would have transparency, that we would have names next to earmarks, that there would be time to actually discuss these earmarks and debate them, that if there were earmarks air-dropped into a bill, there would be an opportunity to strike all earmarks, at least one vote.

We don't have that today because this isn't a conference report. You simply have to change the name of the bill that is coming to the floor and you obviate your obligation to live by your own rules. That is simply not right. It's nothing that we should be proud of.

I mentioned earlier on the floor today that an astute Member of Congress told me yesterday one of the toughest parts of being a Member of Congress is to remember what we should be outraged about. I would submit that this is something that we should be outraged about, but we are not. We blithely pass it as if this is standard business. It shouldn't be. It shouldn't have been for us when we were in the majority, and it shouldn't be for the new majority.

It was in a press report yesterday that some Members were upset, I think justifiably, that there seemed to be just a few Members getting all the earmarks. They mentioned in the press article that a lot of the earmarks are going to the vulnerable Members instead of to the established Members in their district.

I would say that that is something I think outside of the Beltway people say that is just wrong, for money to go to Members just to be re-elected. But here, unfortunately, we see that and say, Hey, that is one of the noblest purposes we have seen for earmarks. Usually they're tied to campaign contributions or something else.

We need a moratorium on earmarks. We should pass a CR rather than this omnibus and go into next year without these 9,000 earmarks.

□ 1245

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2007.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2007, at 11:42 p.m.:

Senate concurred in House amendment No. (2) with an amendment H.R. 2764.

Senate concurred in House amendment No. (1) H.R. 2764.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary be directed to request the House to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.'', and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. MCGOVERN. Madam Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Massachusetts.

As I stand here, I am looking at the lights in this Chamber and I must say to my colleagues that they are very bright. Symbolically, then, as we stand here on the floor of the House, we should be transparent, the lights should be on, and we should tell the truth. And so it is important for me to just hold up a summary of the works of the Democrats who worked without ceasing to reestablish priorities so that the maligned omnibus bill that my good friends on the other side of the aisle are talking about all the bad things, really, they are not shedding the light on the truth. Let me share with you simply what we have tried to do in the midst of opposition and obstructionism.

I wish the administration would have collaborated with us, but we fought hard. And so out of this work comes increased medical research, $607 million for Alzheimer's and Parkinson's disease and diabetes, which hits the 18th Congressional District in insurmountable numbers.

Health care of $1 billion above the President's request that will focus resources in St. Joseph's Hospital and Doctors Hospital and potentially community health clinics that have worked on, like the Martin Luther King Community Health Clinic which needs additional dollars because of the increasing numbers of health problems in my congressional district. In K–12, my congressional district has the highest percentage of those students on title I in the State of Texas, and we have been able to increase that by $767 million.

In addition, I went to the University of Houston to talk to those students who were standing in throngs asking about college aid, and I made a promise to them that we would not abandon their opportunity for their future and their desires and their dreams. And so this bill gives $1.7 billion above the

President's request for Pell Grants and other student aid programs.

There is a surge in crime wherever you go. The violence in Omaha in the mall; the violence dealing with the church and mission school out west. We now have 20 extra million dollars for Cops on the Beat.

And then, of course, the tragedy of falling bridges, an inventory in my own district that suggested the falling bridges. We have increased dollars for that.

I am very glad that there is moneys in here for the Texas Southern University lab for domestic violence in the City of Houston, but I am disappointed, Madam Speaker, because we have fallen on the job. And because most of America wants our troops home, now we have money for Iraq in this bill.

We have a crisis. I sat in a hearing today to listen to a woman violated, abused, sexually violated in Iraq. No control. Recklessness going on. I went down the hall to another hearing, and members or representatives of the Iraqi Parliament said, how dare the United Nations cast a vote for more troops to be in Iraq without consulting with this new democratic government.

We need to bring the troops home. Our troops deserve honor. I have authored a bill, the Military Success Act of 2007, that says the troops have done everything they have been asked to do. Give them their honor, give them their awards, have a proclamation celebrating their heroism. But the troops need to come home. And this bill does not need to be filled with Iraqi money, because the American people, over 60 percent, have said, we are done, we are finished. We have committed the greatest sacrifice, our children, our husbands, our wives, our grandmothers, our grandfathers, our family members. We have said that we have done everything that we have been asked to do by the 2002 resolution, of which I voted against. It is now finished. It is over. The troops need to come home.

So, Madam Speaker, I think it is important that we acknowledge this bill and the work that we have tried to do. But, sadly, this bill needs to fall because of the Iraq dollars.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Yesterday's Senate vote for another blank check to President Bush for the Iraq war was as wrongheaded as the Senate's original 2002 blessing for that invasion, despite the strong opposition of most House Democrats.

Of course the Iraq surge has worked. Not the surge in Iraq. That surge has failed miserably, failed to achieve any of the political objectives, the benchmarks that the President set himself. No. The only surge that has worked is the propaganda surge here in Washington. Hemorrhaging more dollars and more blood into the sands of Iraq is not a formula for achieving success.

The taxpayers' price for Iraq is $3 billion every week of every month of the year. Take all the money that is used to research and seek a cure for cancer at the National Institute for Cancer, that is how much money we spend in Iraq in 2 weeks. But whether deaths are up or deaths are down, ''the Administration's consistent response is the troops cannot come home.''

We need to learn from the courage displayed by our troops. My colleagues in this House need to learn from that courage and vote to limit any more funding in this war to a fully funded, safe, redeployment from Iraq that begins today.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

FURTHER MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following privileged message from the Senate.

The Clerk read as follows:

In the Senate of the United States, December 19, 2007.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) entitled ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.'', and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate for the return of the papers on H.R. 2764 is agreed to.

There was no objection.

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 House of Representatives amendment numbered 1 to the Senate amendment to the bill (H.R. 2764) ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.''

Resolved further, That the Senate agrees to amendment numbered 2 of the House of Representatives with an amendment to the aforesaid bill.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 863

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 ''Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007''.

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1040. Fraud in connection with major disaster or emergency benefits

''(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

''(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

''(b) A circumstance described in this subsection is any instance where—

''(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

''(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

''(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

''(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1040. Fraud in connection with major disaster or emergency benefits.''.

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized,

transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or'' after ''If the violation''.

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or'' after ''If the violation''.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Members of the Congress, this important legislation strengthens Federal criminal prohibitions against fraudulent misuse of emergency and disaster relief funds. It passed the Senate earlier this month without opposition. It is a good bill, and one that the House should support.

Reports of fraud surfaced almost immediately after the Federal Emergency Management Agency began distributing funds Congress had appropriated for disaster aid to victims of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma. These reports included allegations that funds had been misused to purchase luxury goods, that noneligible persons had applied for and received benefits, and that criminals had established phony Katrina-related Web sites to swindle those who wished to contribute to legitimate disaster assistance efforts.

Last year, the GAO reported that it had identified numerous instances of fraud in connection with Katrina and Rita disaster relief. Although the total amount of cost of these fraud schemes is not yet known, the GAO estimates that it will certainly be in the amounts of billions of dollars.

Despite diligent efforts by Federal law enforcement agencies to prosecute these schemes, current criminal laws are not adequate to the task. The Emergency and Disaster Assistance Fraud Penalty Enhancement Act addresses that shortcoming in several respects.

The bill creates a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster relief benefit as to both Federal assistance and private charitable giving, with fines up to $250,000 for an individual, and up to $500,000 for an organization, and prison terms up to 30 years. The bill also increases prison terms for engaging in mail or wire fraud in connection with emergency or disaster relief to the same levels as currently apply in cases involving bank fraud.

The bill also directs the Sentencing Commission to revise its sentencing guidelines for fraud or theft in connection with a major disaster emergency declaration in light of the new statutory changes.

It is a bipartisan measure, and will help ensure that disaster assistance funds are received by their intended recipients and used for their intended purposes. I am proud of the work that the Judiciary Committee has done on both sides of the aisle in this matter, and particularly commend the gentleman from Ohio (Mr. CHABOT) in his management of this legislation.

I reserve the balance of my time.

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

I rise in strong support of S. 863, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, and I want to thank and commend the gentleman from Michigan (Mr. CONYERS) for his leadership on this bill as well.

In January of this year, I introduced a companion bill, H.R. 846, that would create a new criminal offense and enhance current Federal penalties for fraud associated with major disasters and emergency benefits.

Madam Speaker, August 29, 2005 was a day that this country will never forget. The images of destroyed homes, neighborhoods, communities, displaced families and friends, and lives literally torn apart by Hurricane Katrina especially will not easily fade from our memories.

The devastation in the gulf coast region reminds us of a tragedy that we would expect to see in Third World countries, not in our country, and particularly not in regions known for their history and their character.

Since Hurricanes Katrina, Rita, and Wilma devastated the gulf coast more than 2 years ago, Congress has provided more than $117 billion in relief to the region, including reconstruction efforts, medical services, human services, including funds for unemployment and housing assistance, crisis counseling, and various other needs of the victims. In addition, charities like the Red Cross and Salvation Army have contributed several billion dollars more to the effort, and many, many volunteers contributed their time.

□ 1300

To no one's surprise, almost immediately after FEMA and private charities began administering funds to victims, reports of fraud began to surface, such as noneligible persons filing false claims for benefits, and the creation of phony Katrina-related Web sites designed to exploit those who wished to make legitimate disaster relief contributions.

More elaborate and organized schemes have also come to light, including a group in Bakersfield, California, which conspired with employees of a Red Cross call center to defraud the charity by obtaining false claims information in order to collect assistance payments through Western Union. These scams don't just affect disaster victims, but the charities, donors and taxpayers who provide this assistance.

Federal law enforcement officials, including the Department of Justice, responded to the problem. In September 2005, the Hurricane Katrina Fraud Task Force was formed to mobilize the resources of the Federal Government, including Department of Justice, Homeland Security, Treasury, the FBI, FDC

and other Federal partners, as well as representatives of State and local law enforcement.

Since its formation in 2005, the task force has assisted 41 United States Attorneys to prosecute more than 768 people to date. In addition, the Task Force Joint Command Center in Baton Rouge, Louisiana, continues to receive more than 700 calls each month through its nationwide hotline and has screened and referred more than 14,000 leads to law enforcement agencies and field offices across the country.

Yet, despite these efforts, it is clear that current criminal penalties are insufficient to deter disaster fraud. For example, in the U.S. Attorneys Office for the Middle District of Louisiana alone, 128 individuals have been charged with hurricane-related fraud.

S. 863 would strengthen Federal law enforcement's ability to combat and deter those who would otherwise attempt to exploit another's tragedy, preventing assistance from going to those who truly need it. How? Well, first this legislation creates a new specific criminal penalty to prohibit fraud in connection with any emergency or disaster benefit, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mails, or is something of value. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statutes to add emergency or disaster benefits fraud to the 30-year enhanced penalties in those statutes. Currently, the 30-year enhancement is reserved only for financial institutions fraud.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to the Judiciary Committee of both the House and the Senate.

The Emergency and Disaster Assistance Fraud Penalty Enhancement Act unanimously passed the House back in the 109th Congress. Tough penalties for criminals who prey on innocent disaster victims are long overdue. I urge my colleagues to support S. 863.

I once again thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 2 minutes to the indefatigable member of the Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the full committee. Through his leadership, we have had a number, huge numbers of solutions being put forward, and I thank him so very much for serving the American people as he has done. Let me thank the gentleman from Ohio (Mr. CHABOT) for his leadership and share some real life stories.

Madam Speaker, I lived through Hurricane Katrina and Rita and spent a good number of my days in New Orleans visiting not only with the victims of Hurricane Katrina, but also subsequently in Texas visiting with those impacted by Hurricane Rita. I also engaged extensively with small contractors and workers who indicated that in addition to trying to put themselves forward to do the best work on behalf of the victims, they were victimized. And the victims were victimized over and over again: fraudulent work being done, contracts being signed, moneys being promised, and nothing happening.

This bill will set the record straight. Not only does it send a message in times of disaster to those who come rushing in to try and provide, if you will, the saving flag or the saving grace, but hopefully it will send a message to local jurisdictions that they must have enormous oversight in ensuring that they are not subjected to criminal penalties.

As a member of the Homeland Security Committee, let me also acknowledge Chairman THOMPSON. In the early days after Hurricane Katrina, we had oversight hearings over the abuses that were occurring, the lack of oversight by FEMA. I went into some of the sites, if you will, where individuals were being signed up for work or benefits. But the aftermath of it was what the shame was. How people were not given the benefits they were promised, how contractors did not fulfill their duties, and how local jurisdictions were made to pay enormous prices to large contractors, and yet local small businesses, minority-owned businesses and women-owned businesses could not get business and could not be paid. Even today, there are small contractors who are waiting still to be paid.

I rise to support this legislation, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. It is long overdue.

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

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

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 863.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Ms. JACKSON-LEE of Texas (during S. 863 debate). Madam Speaker, I ask unanimous consent to remove my name from H.R. 1582.

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

There was no objection.

AMENDING COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

''(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

''(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

''(1) Magistrate judges appointed under section 631 of title 28, United States Code.

''(2) Magistrate judges retired under section 377 of title 28, United States Code.

''(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this concurrent resolution.

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

There was no objection.

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

Madam Speaker, this concurrent resolution enables us to agree with the Senate on H.R. 660, the Court Security Improvement Act, and send that important bill to the President by correcting a PAYGO problem in the version of H.R. 660 that the Senate passed on Monday.

The Senate passed this concurrent resolution last night. When we pass it now, it will have the effect of removing

the problematic provision from the Senate amendment to H.R. 660. We will next turn to final passage of H.R. 660, and it will be sent to the President stripped of that provision.

I pause now to personally commend the gentleman from Texas (Mr. GOHMERT) for the wonderful job that he has done in helping us work out the matters that needed final adjustment.

I urge our Members to support this concurrent resolution so we can send this much-needed legislation on its way to final enactment.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of S. Con. Res. 62 to correct the enrollment of H.R. 660, the Court Security Improvement Act of 2007. I would also like to commend the Speaker, and through the Speaker, our chairman. I assume you are the people responsible for the added heat in the room today. I presume that is to help light a fire under the majority to help get the business done today, and I applaud that.

Madam Speaker, today the House will consider H.R. 660, a bill to improve court security and ensure the safety of those who dedicate their lives to America's judicial system, as well as to the safety of millions of Americans who visit our courthouses every day.

This concurrent resolution substitutes section 502 of H.R. 660 to make a technical correction to the bill and allow the House to move forward in order to consider the important bipartisan legislation. I urge my colleagues to adopt this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I urge my colleagues to support the resolution as well, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 62.

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

A motion to reconsider was laid on the table.

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and the United States Tax Court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding. The United States Marshals Service retains final authority regarding security requirements for the Tax Court.''.

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

SEC. 103. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary, assistant United States attorneys, and other attorneys employed by the Federal Government; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 104. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2009'' each place it appears and inserting ''2011''.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 119. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered person' means—

''(A) an individual designated in section 1114;

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(C) an informant or witness in a Federal criminal investigation or prosecution; or

''(D) a State or local officer or employee whose restricted personal information is made publicly available because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OR TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by amending subparagraph (A) to reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(B) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(C) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(2) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(3) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''15 years''; and

(2) by striking ''six years'' and inserting ''8 years''.

SEC. 208. ASSAULT PENALTIES.

(a) IN GENERAL.—Section 115(b) of title 18, United States Code, is amended by striking ''(1)'' and all that follows through the end of paragraph (1) and inserting the following: ''(1) The punishment for an assault in violation of this section is—

''(A) a fine under this title; and

''(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

''(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

''(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

''(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.''.

(b) CONFORMING AMENDMENT.—Section 111(a) of title 18, United States Code, is amended by striking ''in all other cases'' and inserting ''where such acts involve physical contact with the victim of that assault or the intent to commit another felony''.

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that circumstance should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made, the intended number of recipients of such threats, and whether the initial senders of such threats were acting in an individual capacity or as part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by adding at the end the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking ''80'' and inserting ''70'';

(2) by striking ''and 10'' and inserting ''10''; and

(3) by inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b)(1), by inserting ''State or local court,'' after ''government,''.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent

criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) BANKRUPTCY JUDGES.—

(1) IN GENERAL.—The Director of the Administrative Office of the United States Courts, upon authorization by the Judicial Conference of the United States and subject to the availability of appropriations, shall pay on behalf of bankruptcy judges appointed under section 152 of title 28, United States Code, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments.

(2) IMPLEMENTATION.—Any payment authorized by the Judicial Conference of the United States under paragraph (1) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of that authorization.

(c) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 152 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a district judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, having performed in the preceding calendar year an amount of work equal to or greater than the amount of work an average judge in active service on that court would perform in 6 months, and having elected to exercise such powers, shall have the powers of a judge of that court to participate in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: ''Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.''.

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking ''and'' after ''fiscal year 2002,''; and

(2) by inserting '', and $10,000,000 for each of fiscal years 2008 through 2012'' before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005(49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.

SEC. 509. FEDERAL JUDGES FOR COURTS OF APPEALS.

(a) IN GENERAL.—Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking ''12'' and inserting ''11''; and

(2) in the item relating to the Ninth Circuit, by striking ''28'' and inserting ''29''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(2) shall take effect on January 21, 2009.

SEC. 510. NATIONAL INSTITUTE OF JUSTICE STUDY AND REPORT.

(a) STUDY REQUIRED.—The Director of the National Institute of Justice (referred to in this section as the ''Director'') shall conduct a study to determine and compile the collateral consequences of convictions for criminal offenses in the United States, each of the 50 States, each territory of the United States, and the District of Columbia.

(b) ACTIVITIES UNDER STUDY.—In conducting the study under subsection (a), the Director shall identify any provision in the Constitution, statutes, or administrative rules of each jurisdiction described in that subsection that imposes collateral sanctions or authorizes the imposition of disqualifications, and any provision that may afford relief from such collateral sanctions and disqualifications.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report on the activities carried out under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a compilation of citations, text, and short descriptions of any provision identified under subsection (b).

(3) DISTRIBUTION.—The report submitted under paragraph (1) shall be distributed to the legislature and chief executive of each of the 50 States, each territory of the United States, and the District of Columbia.

(d) DEFINITIONS.—In this section:

(1) COLLATERAL CONSEQUENCE.—The term ''collateral consequence'' means a collateral sanction or a disqualification.

(2) COLLATERAL SANCTION.—The term ''collateral sanction''—

(A) means a penalty, disability, or disadvantage, however denominated, that is imposed by law as a result of an individual's conviction for a felony, misdemeanor, or other offense, but not as part of the judgment of the court; and

(B) does not include a term of imprisonment, probation, parole, supervised release, fine, assessment, forfeiture, restitution, or the costs of prosecution.

(3) DISQUALIFICATION.—The term ''disqualification'' means a penalty, disability, or disadvantage, however denominated, that an administrative agency, official, or a court in a civil proceeding is authorized, but not required, to impose on an individual convicted of a felony, misdemeanor, or other offense on grounds relating to the conviction.

SEC. 511. TECHNICAL AMENDMENT.

Section 2255 of title 28, United States Code, is amended by designating the 8 undesignated paragraphs as subsections (a) through (h), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, this is important legislation passed in the House on a strong bipartisan basis to improve the security of Federal judges, other Federal court officers, and their families. It allows judges to redact from their public disclosure forms personal information about their families that could be used to harm them. It provides increased funding for judicial protective services furnished by the United States Marshals and for Federal witness protection programs. It prohibits publishing of personal information about a judge, law enforcement officer or witness with the intent to cause harassment, intimidation or a crime of violence.

It enhances prison terms for assaults and other violent acts with intent to intimidate or interfere with judges and other Federal officers in performance of their official duties.

The House passed this bill in July by voice vote under suspension. The Senate has now passed it with an amendment that makes a few refinements, all of which should be acceptable to the House. It takes a slightly different approach to the enhanced prison terms for assaults and violent acts against judges and other Federal officers.

This legislation has been years in the making, and we are now finally able to send it to the President.

I thank the members of the Judiciary Committee, which I am proud to be the chairman of, but particularly Judge LOUIE GOHMERT, the new ranking member of the Crime Subcommittee, who introduced this bill originally in a previous Congress. I also send out congratulations to the chairman of the Crime Subcommittee of the Judiciary Committee, BOBBY SCOTT of Virginia, and committee members RANDY FORBES of Virginia and ANTHONY WEINER of New York. I strongly urge support of this legislation.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 660, the Court Security Improvement Act of 2007, and I would like to commend the chairman of the Judiciary Committee, Chairman CONYERS. We do disagree on issues often enough, but he is the consummate gentleman, he is the consummate chairman, and I have always found him to be fair, and appreciate his effort and his work in pushing this bill to make it become law.

□ 1315

This legislation then is truly bipartisan. It is bicameral. And it is to improve the security of those who administer our justice system, as well as those it serves, such as witnesses, victims and their families.

Just this week the Senate approved this legislation, making several improvements to the bill. In recent years we've seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, and courthouse employees. It is critical that we address this violence in order to preserve the integrity of and public confidence in our justice system.

As I explain to litigants in my courtroom as a judge, it may be that the courtroom ends up being the last bastion of civility in America, but we will have civility in our courtroom. There will be no violence. Everyone will come in regardless of what happened outside the courtroom. We will sit. We will stand when it's your turn, you will speak when it's your turn, and we will abide by the rules as we try to do here in the House.

But the murders of family members of U.S. District Judge Joan Lefkow and the brutal slayings of Judge Roland Barton and his court personnel in Atlanta are just a few of the many examples that underscore the need to better protect those who serve our judiciary and their families.

According to the Administrative Office of U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases it has been necessary to assign Federal judges security details for fear of attack by terrorists, violent gangs, drug organizations, and disgruntled litigants. As a former State district judge, I'm familiar with such threats personally. Threats against me personally didn't actually worry me until they were made against my family.

On looking at Federal law and the penalties, there was a disparity in the penalties for a crime against some family members of court personnel and Federal law enforcement which needed to be addressed. That's what caused me to go to work on this area last Congress, and I'm so pleased that this may actually become law in this Congress.

The problem with witnesses being intimidated as well as threats toward witnesses has also continued to grow, particularly at the State and local level where few resources are available to protect witnesses, victims and their families.

H.R. 660 improves coordination between the U.S. marshals and the Federal judiciary and bolsters security measures for Federal prosecutors handling dangerous trials against terrorists, drug organizations and organized crime figures.

The bill also prohibits public disclosure on the Internet or other public sources of personal information about judges, law enforcement officers, victims and witnesses, and protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filing of liens or other encumbrances against personal property.

Additionally, H.R. 660 provides grants to States and local courts to improve their security services.

I want to thank the majority for working with us to include other important provisions that were not in the

original legislation earlier in this Congress. Although there are still some provisions I would like to have seen, this bill includes so many excellent provisions. I do applaud the chairman and the others on the committee for the work. It is imperative that we continue to work together in a bipartisan effort to protect the judges, witnesses, courthouse personnel and law enforcement officers, as well as the witnesses and their families who are working to protect the rest of the country from criminal acts. Threats and violence require our action today to help them while they help us.

At the State and local level, there is a dire need to provide basic security services in the courtroom and for witnesses. H.R. 660 represents a significant first step in this area.

Madam Speaker, I commend again Chairman CONYERS and Ranking Member SMITH as well as Subcommittee Chairman SCOTT and former Ranking Member FORBES for their continued leadership on this issue.

As a former judge, I hope that we will be successful in getting this legislation across the finish line under your leadership.

I urge my colleagues to support this critical bipartisan and bicameral measure.

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

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

The importance of judicial security has been explained by Mr. GOHMERT, the ranking member of the Subcommittee on Crime and the floor manager today, and it was underscored by the murders of family members of a Chicago Federal judge in 2005, and then, less than 2 weeks later, the killings of a State judge, a court reporter and a sheriff's deputy in an Atlanta courthouse. These acts of violence, along with numerous others, led to the introduction of this measure before us now, H.R. 660, the Court Security Improvement Act, which, among other things, seeks to improve judicial security, not just for court officers, but to safeguard judges and their families as well.

Although the security of all Federal buildings increased in the wake of the 1995 April bombing of the Murrah Federal Building in Oklahoma City and the September 11, 2001, terrorist attacks, the importance of judicial security was brought more particularly to the Nation's attention by reports of the murders of family members of a Chicago Federal judge and the killings less than 2 weeks later of a State judge, a court reporter, and a sheriff's deputy in an Atlanta courthouse. Another incident occurred in June of 2006 when a sniper shot a State judge in Reno, Nevada through the window of the judge's own office.

Supreme Court Justices have also been intended targets of violence and death threats. Last year it was revealed that home-baked cookies infused with poison were mailed to all nine Justices in the year 2005. According to one media report, Justice Sandra Day O'Connor was quoted as saying that each one contained enough poison to kill the entire membership of the court.

All three branches of the Federal Government play unique roles in helping to ensure the safety of judges and the security of the Federal courts. In this joint effort, the role of Congress is to authorize programs, appropriate funds and provide oversight of judicial security.

The Judicial Conference of the United States, the principal policymaking body of the Federal judiciary, governs the administration of the United States courts. The Conference's Committee on Judicial Security monitors the security of the judiciary, including the protection of court facilities and proceedings, judicial officers, and court staff at Federal court facilities and other locations, and makes policy recommendations to the Conference. As the central support entity for the judicial branch, the Administrative Office of the United States Courts implements Judicial Conference policies, including security measures.

By law, the United States Marshals Service within the Department of Justice has primary responsibility for the security of the judiciary, including the safe conduct of court proceedings and the security of Federal judges and court personnel at facilities and offsite as well. They also provide protection details for those who are targets of threats and attacks, and provides other law enforcement services for the Department of Justice. Within the Marshals Service, the Judicial Security Division is specifically responsible for providing security services and staff support to the Federal judiciary, including personal protection for judges and physical security of Federal courthouses.

The USMS, the Marshals Service, conducts threat assessments when they are directed against individuals, including Federal judges, but also United States attorneys, court staff and family members, and then determines the level of security that is necessary for developing security plans and assigning the required resources to ensure their safety. A deputy marshal is required to attend any sessions of the court at the request of the presiding judge. A judicial security inspector, a senior level deputy marshal, is assigned to each judicial district to evaluate courthouse security and procedures and to coordinate scheduling, posting and other matters related to court security officers. The inspectors also conduct security surveys at judges' homes and recommend improvements.

To enhance its capability to strengthen protection of the judiciary, the Marshals Service established the Office of Protective Intelligence in the year 2004 to review and analyze intelligence information about the security of those under Marshals Service protection. On a daily basis, the OPI issues security advisories, intelligence bulletins and many other things that I, although I would like to go into it, time does not permit the opportunity to explain in further detail.

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

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 660.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CAMERON GULBRANSEN KIDS TRANSPORTATION SAFETY ACT OF 2007

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1216) to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1216

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cameron Gulbransen Kids Transportation Safety Act of 2007'' or the ''K.T. Safety Act of 2007''.

SEC. 2. RULEMAKING REGARDING CHILD SAFETY.

(a) POWER WINDOW SAFETY.—

(1) CONSIDERATION OF RULE.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation (referred to in this Act as the ''Secretary'') shall initiate a rulemaking to consider prescribing or amending Federal motor vehicle safety standards to require power windows and panels on motor vehicles to automatically reverse direction when such power windows and panels detect an obstruction to prevent children and others from being trapped, injured, or killed.

(2) DEADLINE FOR DECISION.—If the Secretary determines such safety standards are reasonable, practicable, and appropriate, the Secretary shall prescribe, under section 30111 of title 49, United States Code, the safety standards described in paragraph (1) not later than 30 months after the date of enactment of this Act. If the Secretary determines that no additional safety standards are reasonable, practicable, and appropriate, the Secretary shall—

(A) not later than 30 months after the date of enactment of this Act, transmit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the reasons such standards were not prescribed; and

(B) publish and otherwise make available to the public through the Internet and other means (such as the ''Buying a Safer Car''

brochure) information regarding which vehicles are or are not equipped with power windows and panels that automatically reverse direction when an obstruction is detected.

(b) REARWARD VISIBILITY.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to revise Federal Motor Vehicle Safety Standard 111 (FMVSS 111) to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. The Secretary may prescribe different requirements for different types of motor vehicles to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. Such standard may be met by the provision of additional mirrors, sensors, cameras, or other technology to expand the driver's field of view. The Secretary shall prescribe final standards pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(c) PHASE-IN PERIOD.—

(1) PHASE-IN PERIOD REQUIRED.—The safety standards prescribed pursuant to subsections (a) and (b) shall establish a phase-in period for compliance, as determined by the Secretary, and require full compliance with the safety standards not later than 48 months after the date on which the final rule is issued.

(2) PHASE-IN PRIORITIES.—In establishing the phase-in period of the rearward visibility safety standards required under subsection (b), the Secretary shall consider whether to require the phase-in according to different types of motor vehicles based on data demonstrating the frequency by which various types of motor vehicles have been involved in backing incidents resulting in injury or death. If the Secretary determines that any type of motor vehicle should be given priority, the Secretary shall issue regulations that specify—

(A) which type or types of motor vehicles shall be phased-in first; and

(B) the percentages by which such motor vehicles shall be phased-in.

(d) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—Each motor vehicle with an automatic transmission that includes a ''park'' position manufactured for sale after September 1, 2010, shall be equipped with a system that requires the service brake to be depressed before the transmission can be shifted out of ''park''. This system shall function in any starting system key position in which the transmission can be shifted out of ''park''.

(2) TREATMENT AS MOTOR VEHICLE SAFETY STANDARD.—A violation of paragraph (1) shall be treated as a violation of a motor vehicle safety standard prescribed under section 30111 of title 49, United States Code, and shall be subject to enforcement by the Secretary under chapter 301 of such title.

(3) PUBLICATION OF NONCOMPLIANT VEHICLES.—

(A) INFORMATION SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, for the current model year and annually thereafter through 2010, each motor vehicle manufacturer shall transmit to the Secretary the make and model of motor vehicles with automatic transmissions that include a ''park'' position that do not comply with the requirements of paragraph (1).

(B) PUBLICATION.—Not later than 30 days after receiving the information submitted under subparagraph (A), the Secretary shall publish and otherwise make available to the public through the Internet and other means the make and model of the applicable motor vehicles that do not comply with the requirements of paragraph (1). Any motor vehicle not included in the publication under this subparagraph shall be presumed to comply with such requirements.

(e) DEFINITION OF MOTOR VEHICLE.—As used in this Act and for purposes of the motor vehicle safety standards described in subsections (a) and (b), the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include—

(1) a motorcycle or trailer (as such terms are defined in section 571.3 of title 49, Code of Federal Regulations); or

(2) any motor vehicle that is rated at more than 10,000 pounds gross vehicular weight.

(f) DATABASE ON INJURIES AND DEATHS IN NONTRAFFIC, NONCRASH EVENTS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall establish and maintain a database of injuries and deaths in nontraffic, noncrash events involving motor vehicles.

(2) CONTENTS.—The database established pursuant to paragraph (1) shall include information regarding—

(A) the number, types, and causes of injuries and deaths resulting from the events described in paragraph (1);

(B) the make, model, and model year of motor vehicles involved in such events, when practicable; and

(C) other variables that the Secretary determines will enhance the value of the database.

(3) AVAILABILITY.—The Secretary shall make the information contained in the database established pursuant to paragraph (1) available to the public through the Internet and other means.

SEC. 3. CHILD SAFETY INFORMATION PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall provide information about hazards to children in nontraffic, noncrash incident situations by—

(1) supplementing an existing consumer information program relating to child safety; or

(2) creating a new consumer information program relating to child safety.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Secretary shall—

(1) utilize information collected pursuant to section 2(f) regarding nontraffic, noncrash injuries, and other relevant data the Secretary considers appropriate, to establish priorities for the program;

(2) address ways in which parents and caregivers can reduce risks to small children arising from back over incidents, hyperthermia in closed motor vehicles, accidental actuation of power windows, and any other risks the Secretary determines should be addressed; and

(3) make information related to the program available to the public through the Internet and other means.

SEC. 4. DEADLINES.

If the Secretary determines that the deadlines applicable under this Act cannot be met, the Secretary shall—

(1) establish new deadlines; and

(2) notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the new deadlines and describing the reasons the deadlines specified under this Act could not be met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I want to commend my colleague and my friend from Illinois (Ms. SCHAKOWSKY) for the bill on the floor today, H.R. 1216, the Cameron Gulbransen Kids Transportation Safety Act of 2007. As vice chairman of the Subcommittee on Commerce, Trade and Consumer Protection, her leadership on consumer protection issues is highly valued in this Congress.

I also want to commend the gentleman from New York (Mr. KING) for his bipartisan cosponsorship.

□ 1330

Madam Speaker, Ms. SCHAKOWSKY will speak more fully on her bill, but briefly, H.R. 1216 sets mandatory safety standards for automobiles for nontraffic, noncrash-related accidents. Such accidents include children being backed over by a vehicle, strangled by power windows or inadvertently shifting a car into gear and rolling it into an accident. H.R. 1216 is a bipartisan bill that has been negotiated with consumer groups and the auto industry and is worthy of quick passage on the Suspension Calendar today.

Madam Speaker, I urge a ''yes'' vote by Members of this body.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I want to commend Chairman RUSH and Chairman DINGELL for moving this legislation, commend Ms. SCHAKOWSKY and Congressman KING for their bipartisan endorsement of it.

We have had some problems with the process on this bill. We didn't have a hearing on it. We didn't have a subcommittee markup, but we did have the discussions. Chairman DINGELL did postpone consideration of the bill in full committee so we could have those discussions, and we certainly support the intent of the bill, and so we certainly are willing to endorse it and hope that it gets a unanimous vote.

Madam Speaker, with that, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the author of the legislation and the Vice Chair of the subcommittee.

Ms. SCHAKOWSKY. Madam Speaker, I thank Chairman RUSH for yielding to

me and for your support. I also want to extend my appreciation to Chairman DINGELL whose assistance and guidance were critical in bringing this important bill, H.R. 1216, the Cameron Gulbransen Transportation Safety Act, to the floor today.

One of the most painful things I've been a part of as a Member of Congress are the press conferences which come about every 6 months or so in which parents and grandparents come to share pictures of their children and loved ones, some of whom they have accidentally killed by rolling over them with their vehicles. Imagine that for a moment, particularly in this time of year, as we wish to be with those we love the most.

I am here today because of these courageous people, driven by such horrifying accidents. Today we can pass this bill and reduce these unimaginably tragic and unnecessary deaths and make them a thing of the past. At just 2 years of age, Cameron Gulbransen was tragically killed when his father, a pediatrician from Long Island, accidentally backed over him. This bill is a tribute to him and the hundreds of other young children who have died.

This legislation was first introduced back in 2003 with my colleague from New York, Congressman PETER KING, whose constituent is Dr. Gulbransen. But today I stand here with strengthened resolve. Just 2 days ago as her mother picked up snow shovels that had been left in the driveway, Ashlynn Lauber, an 8-year-old from just outside Collinsville, Illinois, my State, was killed when the family car rolled over her.

Unfortunately, since we first introduced H.R. 1216, well over 1,000 children have needlessly died in preventable accidents, and this year alone 200 children have died of back-over accidents. Many children are killed in these kinds of accidents each year without ever leaving their driveways, suffocated by unsafe power windows, backed over by cars with major blind spots, or hit because a car was accidentally put into motion by a child who could not control it.

H.R. 1216 is commonsense, consensus legislation that reflects input from the auto industry as well as child safety advocates. This legislation will require the Secretary of Transportation to set minimum safety standards for cars, SUVs and trucks, and to begin rulemaking in three areas: Expanding rearward visibility, enabling power windows to automatically reverse direction when an obstruction is detected, and requiring brake pedals to be engaged when a vehicle is not in park.

Expanding the rearward visibility standard will give drivers a better means of detecting when small children or objects are behind their vehicles. Some SUVs have rearward visibility so poor that up to 62 children could fit in their blind spot with the driver being none the wiser. This provision will enable drivers to detect areas behind motor vehicles and will help reduce deaths and injuries from backing incidents, particularly for children and the disabled.

Instructing the Secretary to consider requiring power windows to automatically reverse direction when an obstruction is detected will help prevent small children from being caught in or strangled by windows. These accidents have taken a minimum of 21 lives over the last 5 years.

And finally, requiring every vehicle's brake pedal to be engaged when the car is shifted out of ''park'' and into another gear will prevent anyone not intending to drive the car, such as a child who cannot typically reach the brake pedal, from accidentally setting the car into motion. In the past 5 years, at least 80 children have lost their lives in this kind of accident.

Families want safe cars. They deserve these commonsense safety features. It is time that we make sure they get them. And one of the best parts of this bill is that it will direct the National Highway Transportation Safety Administration to create a publicly searchable database of nontraffic, noncrash-related motor vehicle injuries and to establish a child safety information program to help consumers address ways in which parents and caregivers can reduce risks to small children.

Better design and technologies already exist, and they are getting better and cheaper every day. Many companies already offer these added safety features on their higher end vehicles, but protecting our children is not a luxury to be priced out of reach for most Americans. It is time that manufacturers include these features in every vehicle.

I'd like to publicly thank Kids and Cars and the Consumers Union for strenuously advocating for the safety of children and for taking on the critical problem of unsafe cars. And I, again, want to thank Chairman DINGELL, Mr. BARTON and Mr. STEARNS for their efforts. And I would like to thank Jonathan Cordone and David Cavicke on the committee staff for all their hard work on this bill. I also want to extend a special thanks to Congressman PETER KING for his leadership and resolve that he's demonstrated over the years.

And finally, I want to thank Diane Beedle, my former legislative director, who worked tirelessly on this issue, and the families who have turned their tragedies into advocacy.

Mr. BARTON of Texas. Madam Speaker, I yield such time as he may consume to the Republican cosponsor of the bill, a former chairman of the Homeland Security Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I thank the gentleman from Texas for yielding, and I thank him for the support which he has given to this legislation here today.

I also want to thank Chairman DINGELL and Chairman RUSH and, of course, Congresswoman SCHAKOWSKY for the tremendous leadership that she has shown on this issue, working in a truly bipartisan fashion and, most importantly, getting the job done. I just want to thank her for that.

I also want to acknowledge Senator CLINTON and Senator SUNUNU, who are also pursuing this legislation in the United States Senate.

But most importantly, I want to thank Dr. Greg Gulbransen and his wife Leslie Gulbransen for coming to me almost 5 years ago after the tragic death of their son who was killed when the family car backed over him. I can't imagine a more horrific circumstance for a family to go through, for parents to go through. And yet Dr. Gulbransen and Mrs. Gulbransen, they took this tragedy and opportunity to save the lives of other children throughout the Nation, and they have been steadfast and they've been unyielding in their support of this legislation. And as Congresswoman SCHAKOWSKY said, so many other parents have gone through the agony of appearing at news conferences, of coming forward and lending their support and their own terrible, terrible experience to advancing this legislation.

So my heart goes out to them, but most importantly, today I thank them for the efforts which they have given. Cameron Gulbransen was a young man in my district who was tragically killed 5 years ago, and as Congresswoman SCHAKOWSKY said, every year we have more than 200 children killed, 200 children killed despite the best effort of their friends, of their neighbors. We're not talking about negligence here. We're not talking about people who are at all uncaring. We're talking about people who took every possible safety measure, and yet in spite of that, these tragedies occurred.

So I'm not going to go through all the detail of the bill. I just want to again thank Congresswoman SCHAKOWSKY for her effort, thank Ranking Member BARTON for extending me this time today, and most importantly, thanking Dr. Gulbransen and Mrs. Gulbransen for, again, their unyielding courage, for their dedication, and also the people on my staff who worked on this bill.

And again, this is a great day for the children of America, a great day for the parents of America, and it's a day that all of us will look back on with pride and, most importantly, with thanks and gratitude for the lives that will be saved because of that.

And with that, Madam Speaker, I urge the adoption of the legislation.

Mr. RUSH. Madam Speaker, it's my pleasure to now yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman of the full committee, my friend.

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

Mr. DINGELL. Madam Speaker, I rise in strong support of the K.T. Safety Act of 2007. This is another example

of commonsense legislation, bipartisan approach to regulating an industry and adequately protecting our people and our children.

I want to commend Representative SCHAKOWSKY and Senator CLINTON for working with me and with the able and distinguished chairman of the subcommittee, Mr. RUSH, in achieving this compromise.

I cannot praise too highly the cooperation and the assistance of our good friends on the other side of the aisle, Ranking Members BARTON and STEARNS, for their fine support and for the very cooperative way in which they have worked with us, and I thank them and salute them for that.

The legislation requires the Department of Transportation to issue regulations to reduce injury and death for nontraffic accidents involving automobiles, particularly to protect children. This is the right thing to do, and it must be, and under this legislation will be, implemented in a responsible manner.

The bill has the support of safety advocates, including Public Citizen and the Advocates for Auto and Highway Safety, as well as the automobile manufacturers.

This is an important bill for our children, including Franklin Dean Beedle Atizado whose mother worked on this legislation.

I urge its swift passage, and I do again commend its author, Representative SCHAKOWSKY, for her remarkable leadership in this matter.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding, and this issue is so important, H.R. 1216, and I certainly rise to support it.

Madam Speaker, I thank Ranking Member BARTON from Texas and Chairman DINGELL, chairman of the Energy and Commerce Committee, Mr. RUSH and others for bringing it forward.

Madam Speaker, when I was in the Georgia general assembly serving in the State senate several years back, I became so involved in teen driving issues. I was an OB/GYN physician, and some of the youngsters that I had delivered, all of the sudden, they were 15, 16 years old, and some of them killed tragically in automobile accidents just simply because they weren't safe. They didn't have the proper training, and so these issues are so hugely important.

I became aware of this bill when a couple from my district came to me in Washington several months ago, and their son, their 4-year-old son, had been tragically killed by a vehicle backing over him. And you know, you can't bring these lives back, of course we can't, but this kind of legislation and bringing this kind of safety to help prevent maybe my grandchildren, somebody else's child from going through a tragic situation like that, from which the family never recovers.

So, again, to be here today to offer a few words of support for H.R. 1216, the things like automatic power window reversal, rearward visibility, this bill addresses safety risks which have already resulted in the deaths of so many children in this country. So we can't bring them back, but we can help protect our young people in the future, and I strongly support it.

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

Mr. BARTON of Texas. Madam Speaker, I have no more speakers. I urge the adoption of the bill, and I yield back the balance of our time, also.

□ 1345

The SPEAKER pro tempore (Ms. LEE). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1216, as amended.

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

A motion to reconsider was laid on the table.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4040

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 ''Consumer Product Safety Modernization Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authority to issue implementing regulations.

TITLE I—CHILDREN'S PRODUCT SAFETY

Sec. 101. Ban on children's products containing lead; lead paint rule.
Sec. 102. Mandatory third-party testing for certain children's products.
Sec. 103. Tracking labels for children's products.
Sec. 104. Standards and consumer registration of durable nursery products.
Sec. 105. Labeling requirement for certain internet and catalogue advertising of toys and games.
Sec. 106. Study of preventable injuries and deaths in minority children related to consumer products.
Sec. 107. Review of generally-applicable standards for toys.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. Reauthorization of the Commission.
Sec. 202. Structure and quorum.
Sec. 203. Submission of copy of certain documents to Congress.
Sec. 204. Expedited rulemaking.
Sec. 205. Public disclosure of information.
Sec. 206. Publicly available information on incidents involving injury or death.
Sec. 207. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 208. Notification of noncompliance with any Commission-enforced statute.
Sec. 209. Enhanced recall authority and corrective action plans.
Sec. 210. Website notice, notice to third party internet sellers, and radio and television notice.
Sec. 211. Inspection of certified proprietary laboratories.
Sec. 212. Identification of manufacturer, importers, retailers, and distributors.
Sec. 213. Export of recalled and non-conforming products.
Sec. 214. Prohibition on sale of recalled products.
Sec. 215. Increased civil penalty.
Sec. 216. Criminal penalties to include asset forfeiture.
Sec. 217. Enforcement by State attorneys general.
Sec. 218. Effect of rules on preemption.
Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 220. Inspector General authority and accessibility.
Sec. 221. Repeal.
Sec. 222. Industry-sponsored travel ban.
Sec. 223. Annual reporting requirement.
Sec. 224. Study on the effectiveness of authority relating to imported products.

SEC. 2. REFERENCES.

(a) COMMISSION.—As used in this Act, the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(c) RULE.—In this Act and the amendments made by this Act, a reference to any rule under any Act enforced by the Commission shall be considered a reference to any rule, standard, ban, or order under any such Act.

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) CHILDREN'S PRODUCTS CONTAINING LEAD.—

(1) BANNED HAZARDOUS SUBSTANCE.—Effective 180 days after the date of enactment of this Act, any children's product containing more than the amounts of lead set forth in paragraph (2) shall be a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

(2) STANDARD FOR AMOUNT OF LEAD.—The amounts of lead referred to in paragraph (1) shall be—

(A) 600 parts per million total lead content by weight for any part of the product;

(B) 300 parts per million total lead content by weight for any part of the product, effective 2 years after the date of enactment of this Act; and

(C) 100 parts per million total lead content by weight for any part of the product, effective 4 years after the date of enactment of this Act, unless the Commission determines, after notice and a hearing, that a standard of 100 parts per million is not feasible, in which case the Commission shall require the lowest amount of lead that the Commission determines is feasible to achieve.

(3) COMMISSION REVISION TO MORE PROTECTIVE STANDARD.—

(A) MORE PROTECTIVE STANDARD.—The Commission may, by rule, revise the standard set forth in paragraph (2)(C) for any class of children's products to any level and form that the Commission determines is—

(i) more protective of human health; and

(ii) feasible to achieve.

(B) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the standard set forth in this section to require the lowest amount of lead that the Commission determines is feasible to achieve.

(4) COMMISSION AUTHORITY TO EXCLUDE CERTAIN MATERIALS.—The Commission may, by rule, exclude certain products and materials from the prohibition in paragraph (1) if the Commission determines that the lead content in such products and materials will not result in the absorption of lead in the human body or does not have any adverse impact on public health or safety.

(5) DEFINITION OF CHILDREN'S PRODUCT.—

(A) IN GENERAL.—As used in this subsection, the term ''children's product'' means a consumer product as defined in section 3(1) of the Consumer Product Safety Act (15 U.S.C. 2052(1)) designed or intended primarily for children 12 years of age or younger.

(B) FACTORS TO BE CONSIDERED.—In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

(iii) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

(iv) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

(6) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—The standards established under paragraph (2) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this paragraph if such component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. The Commission may require that certain electronic devices be equipped with a child-resistant cover or casing that prevents exposure of and accessibility to the parts of the product containing lead if the Commission determines that it is not feasible for such products to otherwise meet such standards.

(b) PAINT STANDARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall modify section 1303.1 of title 16, Code of Federal Regulations, to—

(A) reduce the standard applicable to lead paint by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section;

(B) apply the standard to all children's products as defined in subsection (a)(5); and

(C) reduce the standard for paint and other surface coating on children's products and furniture to 0.009 milligrams per centimeter squared.

(2) MORE PROTECTIVE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Commission shall, by rule, revise the standard established under paragraph (1)(C) to a more protective standard if the Commission determines such a standard to be feasible.

(c) AUTHORITY TO EXTEND IMPLEMENTATION PERIODS.—The Commission may extend, by rule, the effective dates in subsections (a) and (b) by an additional period not to exceed 180 days if the Commission determines that—

(1) there is no impact on public health or safety from extending the implementation period; and

(2)(A) the complete implementation of the new standards by manufacturers subject to such standards is not feasible within 180 days;

(B) the cost of such implementation, particularly on small and medium sized enterprises, is excessive; or

(C) the Commission requires additional time to implement such standards and determine the required testing methodologies and appropriate exceptions in order to enforce such standards.

SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD-PARTY TESTING.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Every manufacturer'' and inserting ''Except as provided in paragraph (2), every manufacturer''; and

(B) by striking ''standard under this Act'' and inserting ''rule under this Act or similar rule under any other Act enforced by the Commission'';

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

''(2) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, every manufacturer of a children's product (and the private labeler of such children's product if such product bears a private label) which is subject to a consumer product safety rule under this Act or a similar rule or standard under any other Act enforced by the Commission, shall—

''(A) have the product tested by a independent third party qualified to perform such tests or a proprietary laboratory certified by the Commission under subsection (e) ; and

''(B) issue a certificate which shall—

''(i) certify that such product conforms to such standards or rules; and

''(ii) specify the applicable consumer product safety standards or other similar rules.''; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking ''required by paragraph (1) of this subsection'' and inserting ''required by paragraph (1) or (2) (as the case may be)''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) DEFINITION OF CHILDREN'S PRODUCTS AND INDEPENDENT THIRD PARTY.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

''(2) The term 'independent third party', means an independent testing entity that is not owned, managed, controlled, or directed by such manufacturer or private labeler, and that is accredited in accordance with an accreditation process established or recognized by the Commission. In the case of certification of art material or art material products required under this section or under regulations issued under the Federal Hazardous Substances Act, such term includes a certifying organization, as such term is defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations.''.

(c) CERTIFICATION OF PROPRIETARY LABORATORIES.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(e) CERTIFICATION OF PROPRIETARY LABORATORIES FOR MANDATORY TESTING.—

''(1) CERTIFICATION.—Upon request, the Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may certify a laboratory that is owned, managed, controlled, or directed by the manufacturer or private labeler for purposes of testing required under this section if the Commission determines that—

''(A) certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(B) the laboratory has established procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(C) the laboratory has established procedures for confidential reporting of allegations of undue influence to the Commission.

''(2) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify any laboratory certified under paragraph (1) if the Commission finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''standards under this Act'' and inserting ''rules under this Act or similar rules under any other Act enforced by the Commission''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

Section 14(a) (15 U.S.C. 2063(a)) is further amended by adding at the end the following:

''(4) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, the manufacturer of a children's product shall, to the extent feasible, place distinguishing marks on the product and its packaging that will enable the manufacturer and the ultimate purchaser to ascertain the location and date of production of the product, and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks.''.

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this

Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable nursery products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(c) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(A) include spaces for a consumer to provide their name, address, telephone number, and email address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

(d) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) shall include—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTERNET AND CATALOGUE ADVERTISING OF TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—Effective 180 days after the Consumer Product Safety Modernization Act, any advertisement of a retailer, manufacturer, importer, distributor, private labeler, or licensor that provides a direct means for the purchase or ordering of any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. Such cautionary statement shall be displayed in the language that is primarily used in the advertisement, catalogue, or Internet website, and in a clear and conspicuous manner consistent with part 1500 of title 16, Code of Federal Regulations (or a successor regulation thereto).

''(2) ENFORCEMENT.—The requirement in paragraph (1) shall be treated as a consumer product safety rule promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the publication or distribution of any advertisement that is not in compliance with the requirements of paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).

''(3) RULEMAKING.—Not later than 180 days after the date of enactment of Consumer Product Safety Modernization Act, the Commission shall, by rule, modify the requirement under paragraph (1) with regard to catalogues or other printed materials concerning the size and placement of the cautionary statement required under such paragraph as appropriate relative to the size and placement of the advertisements in such printed materials. The Commission may, under such rule, provide a grace period for catalogues and printed materials printed prior to the effective date in paragraph (1) during which time distribution of such printed materials shall not be considered a violation of such paragraph.''.

SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan native, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c)) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report the findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS FOR TOYS.

(a) ASSESSMENT.—The Commission shall examine and assess the effectiveness of the safety standard for toys, ASTM-International standard F963–07, or its successor standard, to determine—

(1) the scope of such standards, including the number and type of toys to which such standards apply;

(2) the degree of adherence to such standards on the part of manufacturers; and

(3) the adequacy of such standards in protecting children from safety hazards.

(b) SPECIAL FOCUS ON MAGNETS.—In conducting the assessment required under subsection (a), the Commission shall first examine the effectiveness of the F963–07 standard as it relates to intestinal blockage and perforation hazards caused by ingestion of magnets. If the Commission determines based on the review that there is substantial noncompliance with such standard that creates an unreasonable risk of injury or hazard to children, the Commission shall expedite a rulemaking to consider the adoption, as a consumer product safety rule, of the voluntary safety standards contained within the ASTM F963-07, or its successor standard, that relate to intestinal blockage and perforation hazards caused by ingestion of magnets.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall report to Congress the findings of the study conducted pursuant to subsection (a). Such report shall include the Commission's opinion regarding—

(1) the feasibility of requiring manufacturer testing of all toys to such standards; and

(2) whether promulgating consumer product safety rules that are substantially similar or more stringent than the standards described in such subsection would be beneficial to public health and safety.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsections (a) and (b) of section 32 (15 U.S.C. 2081) are amended to read as follows:

''(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(1) $80,000,000 for fiscal year 2009;

''(2) $90,000,000 for fiscal year 2010; and

''(3) $100,000,000 for fiscal year 2011.

''(b) In addition to the amounts specified in subsection (a), there are authorized to be appropriated $20,000,000 to the Commission for fiscal

years 2009 through 2011, for the purpose of renovation, repair, reconstruction, re-equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards).''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to Congress a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time inspectors and other full-time equivalents the Commission intends to employ;

(2) the plan of the Commission for risk assessment and inspection of imported consumer products;

(3) an assessment of the feasibility of mandating bonds for serious hazards and repeat offenders and Commission inspection and certification of foreign third-party and proprietary testing facilities; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety standards and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

SEC. 202. STRUCTURE AND QUORUM.

(a) EXTENSION OF TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the period beginning on the date of enactment of this Act through—

(1) August 3, 2008, if the President nominates a person to fill a vacancy on the Commission prior to such date; or

(2) the earlier of—

(A) 3 months after the date on which the President nominates a person to fill a vacancy on the Commission after such date; or

(B) February 3, 2009.

(b) REPEAL OF LIMITATION.—The first proviso in the account under the heading ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' in title III of Public Law 102–389 (15 U.S.C. 2053 note) shall cease to be in effect after fiscal year 2010.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 204. EXPEDITED RULEMAKING.

(a) RULEMAKING UNDER THE CONSUMER PRODUCT SAFETY ACT.—

(1) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by inserting ''or notice of proposed rulemaking'' after ''advance notice of proposed rulemaking'' in subsection (c); and

(E) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(1)) is amended to read as follows:

''(1) Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which the Commission finds meets the requirements section 2(f)(1)(A).''.

(2) PROCEDURE.—

(A) Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(B) Section 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(2)) is amended to read as follows:

''(2) Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(3) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking subsection (d) of section 2 and inserting the following:

''(d) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in section 14(b), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission''; and

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 20(a)(1) (15 U.S.C. 1275(a)(1)).

(c) RULEMAKING UNDER THE FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' and inserting ''may be commenced by a notice of proposed rulemaking or'';

(B) in subsection (i), by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193 et seq.) is further amended—

(A) by striking subsection (i) of section 2 and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''the Commission'';

(C) by striking ''Secretary'' each place it appears, except in sections 9 and 14, and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place either term appears in reference to the secretary and insert ''it'' and ''its'', respectively;

(E) in section 4(e), by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(F) in section 15, by striking ''Consumer Product Safety Commission (hereinafter referred to as the 'Commission')'' and inserting ''Commission'';

(G) by striking section 16(d) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related materials, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) in section 17, by striking ''Consumer Product Safety Commission'' and inserting ''Commission''.

SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''30 days'' and inserting ''15 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(2) in paragraph (2)—

(A) by striking ''10 days'' and inserting ''5 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(3) in paragraph (4), by striking ''section 19 (related to prohibited acts)'' and inserting ''any consumer product safety rule under or provision of this Act or similar rule under or provision of any other Act administered by the Commission''; and

(4) in paragraph (5)—

(A) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; or'';

(C) by adding at the end the following:

''(D) the Commission publishes a finding that the public health and safety require public disclosure with a lesser period of notice than is required under paragraph (1).''; and

(D) in the matter following such subparagraph (as added by subparagraph (C)), by striking ''section 19(a)'' and inserting ''any consumer product safety rule under this Act or similar rule under or provision of any other Act administered by the Commission''.

SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCIDENTS INVOLVING INJURY OR DEATH.

(a) EVALUATION.—The Commission shall examine and assess the efficacy of the Injury Information Clearinghouse maintained by the Commission pursuant to section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)). The Commission shall determine the volume and types of publicly available information on incidents involving consumer products that result in injury, illness, or death and the ease and manner in which consumers can access such information.

(b) IMPROVEMENT PLAN.—As a result of the study conducted under subsection (a), the Commission shall transmit to Congress, not later than 180 days after the date of enactment of this Act, a detailed plan for maintaining and categorizing such information on a searchable Internet database to make the information more easily available and beneficial to consumers, with due regard for the protection of personal information. Such plan shall include the views of the Commission regarding whether additional information, such as consumer complaints, hospital or other medical reports, and warranty claims, should be included in the database. The plan submitted under this subsection shall include a detailed implementation schedule for the database, recommendations for any necessary legislation, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY COMMISSION-ENFORCED STATUTE.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) fails to comply with any other rule affecting health and safety promulgated by the Commission under the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act;''; and

(3) by adding at the end the following sentence: ''A report provided under this paragraph (2) may not be used as the basis for criminal prosecution under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.''.

SEC. 209. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subjection (c)—

(A) by striking ''if the Commission'' and inserting ''(1) If the Commission'';

(B) by inserting ''or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12,'' after ''from such substantial product hazard,'';

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after ''the following actions:'' the following:

''(A) To cease distribution of the product.

''(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

''(C) To notify appropriate State and local public health officials.''; and

(E) by adding at the end the following:

''(2) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.''.

(2) in subsection (f)—

(A) by striking ''An order'' and inserting ''(1) Except as provided in paragraph (2), an order''; and

(B) by inserting at the end the following:

''(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.''.

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''An order under this subsection may'' and inserting:

''(2) An order under this subsection shall'';

(6) by striking '', satisfactory to the Commission,'' and inserting '', as promptly as practicable under the circumstances, as determined by the Commission, for approval by the Commission,''; and

(7) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan.''.

(c) CONTENT OF NOTICE.—Section 15 is further amended by adding at the end the following:

''(i) Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

''(1) identifying the specific product that is subject to such an order;

''(2) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

''(3) understanding what remedy, if any, is available to a consumer who has purchased the product.''.

SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY INTERNET SELLERS, AND RADIO AND TELEVISION NOTICE.

Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by inserting '', including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, or distributor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice'' after ''comply''.

SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LABORATORIES.

Section 16(a)(1) is amended by striking ''or (B)'' and inserting ''(B) any proprietary laboratories certified under section 14(e), or (C)''.

SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORTERS, RETAILERS, AND DISTRIBUTORS.

(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is in the possession of the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication or such product or substance; and

''(C) each subcontractor from which the manufacturer obtained a component thereof.''.

(b) COMPLIANCE REQUIRED FOR IMPORTATION.—Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (g), by striking ''may'' and inserting ''shall''; and

(2) in subsection (h)(2), by striking ''may'' and inserting ''shall, consistent with section 6,''.

SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, the Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under any Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under this Act or a similar rule under any such other Act;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the

disposition of the product under the circumstances.''.

(b) PROHIBITED ACT.—Section 19(a)(10) (15 U.S.C. 2068(a)(10)) is amended by striking the period at the end and inserting '' or violate an order of the Commission issued under section 18(c); or''.

(c) CONFORMING AMENDMENTS TO OTHER ACTS.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(2) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under the Consumer Product Safety Act or with a rule under this Act;

''(2) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.

Section 19(a) (as amended by section 210) (15 U.S.C. 2068(a)) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public;

''(C) subject to an order issued under section 12 or 15 of this Act; or

''(D) designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8); and

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''.

SEC. 215. INCREASED CIVIL PENALTY.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(B) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(2) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) AMENDMENTS.—

(i) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(ii) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(iii) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking ''$1,250,000'' and inserting ''$10,000,000''.

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(i) the date on which final regulations are issued pursuant to section 3(b); or

(ii) 360 days after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) (15 U.S.C. 2069(b)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''products distributed, and'' and inserting ''products distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''substance distributed, and'' and inserting ''substance distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(i) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(ii) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.

Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalty provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act of any other Act enforced by the Commission for which the violator is sentenced under this section, section 5(a) of the Federal hazardous Substances Act (15 U.S.C. 2064(a)), or section 7 of the Flammable Fabrics Act (15 U.S.C. 1196).''.

SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

Section 24 (15 U.S.C. 2073) is amended—

(1) in the section heading, by striking ''PRIVATE'' and inserting ''ADDITIONAL'';

(2) by striking ''Any interested person'' and inserting ''(a) Any interested person''; and

(3) by striking ''No separate suit'' and all that follows and inserting the following:

''(b)(1) The attorney general of a State, alleging a violation of section 19(a) that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief.

''(2) Not less than thirty days prior to the commencement of such action, the attorney general shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein;

''(C) and to file petitions for appeal.

''(c) No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section the court may in the interest of justice award the costs of suit, including reasonable attorneys' fees (determined in accordance with section 11(f)) and reasonable expert witnesses' fees.''.

SEC. 218. EFFECT OF RULES ON PREEMPTION.

In issuing any rule or regulation in accordance with its statutory authority, the Commission shall not seek to expand or contract the scope, or limit, modify, interpret, or extend the application of sections 25 and 26 of the Consumer Products Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261), section 7 of the Poison Prevention Packaging Act (15 U.S.C. 1476), or section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) with regard to the extent to which each such Act preempts, limits, or otherwise affects any other Federal, State, or local law, or limits or otherwise affects any cause of action under State or local law.

SEC. 219. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

''(f)(1) The Commission may make information obtained by the Commission under this Act available (consistent with the requirements of section 6) to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) The Commission may abrogate any agreement or memorandum of understanding entered into under paragraph (1) if the Commission determines that the agency with which such agreement or memorandum of understanding was entered into has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(B) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

''(g) Whenever the Commission is notified of any voluntary recall of any consumer product self-initiated by a manufacturer (or a retailer in the case of a retailer selling a product under its own label), or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department or other agency designated by the State of the recall or order.''.

SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSIBILITY.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Commission shall transmit a report to Congress on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—The Inspector General of the Commission shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules, regulations, or the provisions of any Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall transmit a report to the Commission and to Congress setting forth the Inspector General's findings, conclusions, actions taken in response to employee complaints, and recommendations.

(c) COMPLAINT PROCEDURE.—Not later than 30 days after the date of enactment of this Act the Commission shall establish and maintain on the homepage of the Commission's Internet website a mechanism by which individuals may anonymously report incidents of waste, fraud, or abuse with respect to the Commission.

SEC. 221. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.

The Consumer Product Safety Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

''SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

''(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept travel, subsistence, and related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

''(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for certain travel and lodging expenses necessary in furtherance of the official duties of Commissioners and employees.''.

SEC. 223. ANNUAL REPORTING REQUIREMENT.

Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Commission'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission''; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively and inserting after paragraph (4) the following:

''(5) the number and summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary actions taken by manufacturers of which the Commission has notified the public, and an assessment of such orders and actions;''.

SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY RELATING TO IMPORTED PRODUCTS.

The Commission shall study the effectiveness of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)), specifically paragraphs (3) and (4) of such section, to determine a specific strategy to increase the effectiveness of the Commission's ability to stop unsafe products from entering the United States. The Commission shall submit a report to Congress not later than 9 months after enactment of this Act, which shall include recommendations regarding additional authority the Commission needs to implement such strategy, including any necessary legislation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, today is indeed a grand day. Today is a day that we show the American people that this Congress, this House of Representatives, gets things done. Today the House will vote on sweeping bipartisan legislation that will protect our children from defective and dangerous toys and comprehensively reforms the Consumer Product Safety Commission.

The bill before us today, H.R. 4040, the Consumer Product Safety Modernization Act of 2007, was introduced by Chairman DINGELL, Ranking Member BARTON, Ranking Member STEARNS, and myself. This historic bill authorizes desperately needed resources to the commission and dramatically rewrites the Consumer Product Safety Act as well as the Federal Hazardous Substances Act, both of which are administered by the CPSC. After decades of neglect, H.R. 4040 finally restores the CPSC to its rightful place of prominence and gives it the necessary tools to grapple with the global marketplace and protect America's consumers, particularly our children, from dangerous and defective products.

This bill represents 8 months of work, five hearings, a subcommittee markup, and a full committee markup in which the final vote was 51–0. As chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, I am extremely proud of our collective efforts during this entire process.

H.R. 4040 has two titles. Title I specifically addresses children's products by establishing the strictest lead standards in the world for children's products and requiring certification

and testing. Title II overhauls the CPSC itself, giving the beleaguered agency much-needed resources and strengthening its underlying organic statute. At both the subcommittee and full committee markups, the bill underwent significant changes: We strengthened the lead standard, raised the age requirement for mandatory testing to 12 years of age, required CPSC to appropriately tailor their corrective action plans to fit consumer needs, bestowed enforcement authority to State attorneys general, banned corporate-sponsored travel for CPSC employees, and preserved State common law rights of action.

All of these excellent changes were made at the behest of the members of the Energy and Commerce Committee who offered their valuable input on how to make this underlying bill even better.

Madam Speaker, I cannot emphasize enough the bipartisan nature of this bill. From the very beginning, we drafted this bill in consultation with the Consumer Product Safety Commission, consumer groups, and industry. Madam Speaker, I want to sincerely thank the distinguished chairman of the full Committee on Energy and Commerce, my dear friend from Michigan, Mr. JOHN DINGELL, for his unparalleled leadership. This bill simply would not be possible without Chairman DINGELL's guidance. Of course, I want to thank my friends, the distinguished ranking member of the committee, Mr. BARTON; and the ranking member of the subcommittee, Mr. STEARNS, for their incredible leadership and unwavering cooperation.

I urge my colleagues to vote ''yes'' on this historic bill.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I want to start off by congratulating Chairman JOHN DINGELL. I have with me today's Congress Daily, one of the news periodicals that tracks what we do. And on page 7 the headline is ''House Panel Easily Passes Consumer Safety Legislation.'' It goes on to say that DINGELL said he plans to approach the Speaker and ask her to put the bill on the Suspension Calendar because it passed committee 51–0, and in the next paragraph it says that a leadership aide said it is unlikely that the bill could come to the floor before Congress adjourns for the year.

Well, I just want to congratulate the chairman for going to Speaker PELOSI and getting her to agree to put this bill on the floor before we go home because this bill shows how the Congress should work. It didn't pass 51–0 because of serendipity. It passed 51–0 yesterday in the Energy and Commerce Committee because staffs on both sides of the aisle of both the full committee and the subcommittee met for countless hours to negotiate the many compromises necessary to put the bill together. I want to especially compliment Consuela Washington, the majority counsel, Chairman DINGELL's counsel, who has worked so hard on this bill. If President Washington were still alive today, he would be very proud of her for the work that she's done because she has not only had to work with the minority staffers and members, she has also had to diligently work with the majority staffers and members as sometimes each side was pulling her in different directions. It's good to know that she's all in one piece and doing well.

This bill will strengthen the Consumer Product Safety Commission. This bill will create a state-of-the-art testing laboratory to test the products and the toys that we sell to the American public. This bill will enhance the recall ability of the Consumer Product Safety Commission. This bill will expand the number of commissioners so that we have a full commission again. This bill increases the fines that the Consumer Product Safety Commission can levy against recalcitrant companies that sell defective products. And this bill has the toughest lead standard in the world for products.

I wish it were my line, but it's not. Chairman RUSH's line on the lead standard, in response to an amendment in committee to make it even tougher, said that God himself at Mount Horeb where He gave the Ten Commandments to Moses, that may have been the only holy ground in the world that would have met this standard. I thought that was just priceless in terms of trying to put in context how tough this standard is that the Lord Himself would have difficulty meeting the standard in the bill.

So this is a good work product. It was done the right way. Negotiations with the stakeholders, negotiations with members, negotiations with the staff; an open markup at subcommittee; adequate time between subcommittee and full committee; a manager's amendment that was circulated so all members had a chance to see it; a full committee markup that lasted 2 days; numerous amendments that were offered, some withdrawn, some accepted, some modified. And the result was a 51–0 vote that occurred in full committee yesterday. And then again, thanks to Chairman DINGELL's ability to get things done in the House, a Suspension Calendar vote today so that Members on both sides of the aisle have an attempt to put their stamp of approval on this very important piece of legislation.

I'm very proud to have played a small part in this process, and I cannot urge in stronger language that we should pass this and send it to the other body so that they may also reciprocate.

I predicted at the press conference 6 weeks ago or 2 months ago that something very close to this bill will be on the President's desk. We will have a bill signing ceremony in the Oval Office or the Rose Garden on this legislation later in this Congress.

So I'm very pleased to endorse it. I again thank all Members for their hard work, and a special commendation to CLIFF STEARNS, the former ranking member of the subcommittee, for his hard work.

Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. I want to thank the distinguished chairman of the subcommittee, Mr. RUSH, for yielding me this time, and I want to congratulate him and my distinguished chairman, Mr. DINGELL, for bringing this strong consumer protection bill to the floor so quickly. I also want to thank Congresswoman DELAURO, whom I have been working with on this legislation for a number of years, and I am so thrilled to see it on the floor.

Madam Speaker, this year we have seen the number of children's product and toy recalls rise dramatically. Many of these recalls were because of the excessive amounts of lead, which is a very dangerous compound for children. As if parents didn't have enough to worry about this season, they're faced with another dilemma. Are the toys that they are buying safe? Today in the House we will act to make sure the answer to that question in the future is a resounding ''yes.''

Back in September, with Congresswoman DELAURO, I introduced a bill to address this issue. I want to commend the good work of the Energy and Commerce Committee for incorporating many of the provisions of our bill, most of the provisions, into H.R. 4040 as it sits before us today.

This bill takes a number of steps to protect kids under 12. For example, it almost doubles the funding for the Consumer Product Safety Commission, which has been woefully underfunded and staffed. It bans lead in children's products and toys. It requires independent third-party testing. And it bans industry-sponsored travel, which has been a scandal at the Consumer Product Safety Commission.

Passing H.R. 4040 today is a crucial first step in making sure that children are safe from dangerous products. As parents like us are rushing to finish their holiday shopping this weekend, they can rest assured that the U.S. House of Representatives is on their side.

I look forward to working with my colleagues early in the next session to make sure that the food parents are putting on their table is also safe.

Mr. BARTON of Texas. Madam Speaker, I want to yield 5 minutes to the former chairman of the subcommittee and then the ranking member of the subcommittee, who is now the ranking member of the Telecommunications Subcommittee, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Madam Speaker, I rise in support of this bill. As Chairman BARTON has pointed out, it has been bipartisan, with 51 people voting for it and no one voting against it. We had a conscientious markup, particularly on several amendments. These amendments were defeated so that we had a little compromise involved.

A lot of Americans should realize that the Consumer Product Safety Commission came into existence in 1973 as the agency to ensure consumer products, including toys, not to pose risks of injuries to our families, illness or death to consumers. Lots of times products are not used properly, and that causes a problem.

□ 1400

The Consumer Product Safety Commission cannot guarantee safety if the consumers don't use their products properly.

They have 15,000 different products that they have to promulgate with standards. Fortunately, the Commission rarely has had to promulgate mandatory standards for all these products and can rely on voluntary standards that are simply developed by the industry itself.

This bill, as Mr. BARTON pointed out, is going to be signed in very short order after we pass this under suspension.

Many of the Members on both sides talked about the growing compliance shortfalls with toys that are manufactured outside the United States, particularly in China. Specifically, our attention was focused on the spate of recalls which increased dramatically for toys with lead-based paints exceeding the United States limit. This was a problem we have rarely seen in 30 years since we passed the Federal ban on lead-based paint. I am pleased to report that manufacturers and retailers have stepped up to the plate in testing in response to these problems, and that's good.

Nevertheless, my colleagues, toys have not been the only problem this year, as imports of every type of product increasingly account for our supply of goods, particularly from China. As our imports have risen over the years, so have the number of problems that have been associated with these products that come in. But the Consumer Product Safety Commission has met this daunting challenge and, as you can imagine, with 15,000 different kinds of products, they have issued more recalls over the last 2 years than any other time in our history. Despite this, we recognized the need to provide the Commission with additional resources, which we are doing today. We authorize significant increases in their budget so that the Commission may fulfill their mission to keep defective products that can cause injury, or worse, out of the stream of commerce.

So, I'm pleased to report that the omnibus bill we passed this week includes increased appropriations for the Commission, so they're getting new resources.

This bill is good public policy that not only provides the Commission with new resources, but, as was pointed out, much, much more. It provides for new standards regarding lead paint and implements the most stringent standard ever for lead content in children's products. The bill requires testing and certification of children's products before they are ever shipped to store shelves, and provides increased penalties for companies that violate the law.

New laboring requirements will help facilitate effective recalls, and the bill provides greater authority for the Commission to recall harmful products and notify the public of these dangers. Very important; they have this extra recall authority.

We have worked with the consumer groups, industry, and the Commission to make this a bipartisan, sound bill that works effectively. So I commend Chairman RUSH, I commend, obviously, Mr. DINGELL, and I commend our ranking member, Chairman BARTON, on their willingness to make this an open process. We talked about it, and the result is what we see today, a bipartisan bill that has the support of the House.

So, I urge my colleagues to support it, and I look forward to its implementation into law.

Mr. RUSH. Madam Speaker, I yield 2½ minutes to the gentlelady from Connecticut, the vice chairman of the Democratic Caucus, Ms. DELAURO.

Ms. DELAURO. Madam Speaker, when the toys our children play with are no longer safe, government must respond. Today's bill represents a first step forward, an active response to an agency which has failed to take its regulatory responsibilities seriously for far too long, an agency that does not understand its regulatory function. We are addressing the Consumer Product Safety Commission's mandate, and trying to reform it in a meaningful way.

I have been proud to work with my colleague, Congresswoman DEGETTE, and other colleagues from the Energy and Commerce Committee to hone, to strengthen this bill. We all recognize that the American people must be able to depend on the system responsible for protecting them.

I especially want to thank Congresswoman ANNA ESHOO who fought to strengthen the mandatory recall provision governing products that pose an imminent hazard. This new authority will allow the CPSC to provide notice and halt distribution without protracted legal proceedings.

I am pleased that I could partner with my colleagues to strengthen this bill in other ways as well, requiring tracking labels and product registration cards for durable and nursery products, providing the additional resources the CPSC needs to get its act together, instituting a ban on industry-sponsored travel, and providing for protections for children under the age of 12.

I do not believe that we have gone far enough and that we must go further. I look forward to making this bill stronger still, working through the conference to address its shortcomings.

Under this bill, we must make it clear that States will not be preempted. Attorneys General should not be limited when pursuing remedies or penalties. At a time when the number of dangerous products entering our markets are skyrocketing, this is a problem we need to fix now. We should be bringing more allies to our fight, not fewer.

Also, we are still not tough enough on third-party testing. There are still loopholes that leave manufacturers to conduct their own tests. The days of industry self-policing must come to an end. And I believe the current provision banning lead, although long overdue, has problematic exemptions. Health advocacy experts have testified to the need to place its threshold at 40 parts per million and urge more timely implementation. With our children's health at stake, we should listen to the experts.

Government has an obligation to its citizens; it's that simple. This bill represents a first step forward in meeting that obligation, striving to make sure dangerous toys and products do not slip through the cracks and into our children's hands.

During this holiday season, we cannot afford to wait any longer. I urge a ''yes'' vote on this legislation.

Mr. BARTON of Texas. May I inquire as to the time I have remaining, Madam Speaker?

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Texas has 11 minutes remaining. The gentleman from Illinois has 11½ minutes remaining.

Mr. BARTON of Texas. I ask unanimous consent to yield 6 of my 11 minutes to Mr. RUSH for him to control.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois now has 17½ minutes remaining.

Mr. RUSH. I want to thank the gentleman.

Mr. BARTON of Texas. And of the 5 minutes I still control, I want to yield two of those minutes to the new ranking member of the Consumer Protection and Trade Subcommittee, Mr. WHITFIELD.

Mr. WHITFIELD. Madam Speaker, I certainly want to congratulate Chairman DINGELL, Ranking Member BARTON, Chairman RUSH and Ranking Member STEARNS.

Recently, we've read many articles about products coming out of China, whether it be wheat gluten, whether it be contaminated toothpaste, whether it be excessive lead in the paints of toys, and all of us are quite excited about this legislation, H.R. 4040, for the reformation that it makes in the Consumer Product Safety Commission.

One thing that I would point out, and other people have already said it, but the new standards regarding lead paints implements the most stringent standard ever for lead content in children's products in this legislation. So, this is an exciting day for the American people. I think it shows that Congress does have the ability to meet very important problems facing our country.

I look forward to the passage of this legislation today, and certainly want to thank the staff for the hard work that they did on both sides of the aisle.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in support of the Consumer Protection Safety Modernization Act, of which I am a cosponsor. There is no better time to pass this legislation than right now before the holidays when parents are buying toys for their children.

After months of recalls of Chinese-manufactured toys, it is evident that the Consumer Protection Safety Commission lacks strong authority and needs additional resources to protect the safety of our children and loved ones.

This legislation will implement a graduated reduction of lead standards, reducing 100 parts per million, a level unmatched anywhere in the world.

The bill will also require manufacturers to include tracking labels to aid in the event of a recall on all toys intended for children 12 and younger, and mandate third-party testing of toys for lead by labs accredited by the CPSC.

This legislation strengthens the commission by authorizing significant increases in funding levels over the next 3 years, allowing the Product Safety Commission to hire additional employees, which has been at an all-time low since their inception. Furthermore, this legislation provides an additional $20 million to modernize CPSC's testing laboratory to ensure safe products.

Madam Speaker, I applaud Chairman DINGELL, Chairman RUSH, Mr. BARTON and Mr. STEARNS for bringing this bill to the floor. I urge my colleagues to join me in voting in favor of this bill.

Mr. BARTON of Texas. I yield 1½ minutes to a distinguished member of the full committee, Dr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my distinguished ranking member.

In 2007, there have been 61 toy recalls, which translates to about 25 million toys. This number is up significantly from the 40 recalls of 5 million toys we had last year. And this is what we caught.

This bill will help protect consumers. The real culprits remain, however, the trading partners who refuse to abide by international standards, countries like China and others who have lax oversight, who happen to be the leading countries that are involved with these appalling rates. That's why this bill is so important, because it is up to us to set sound and safe standards and enforce them.

In addition, I am pleased the committee will be looking at further research to look at the issue of pet toys, pet toys that may themselves have lead and other toxic metals that are unregulated. Not only is this a concern in exposure for the family pet, but also because many of these toys themselves are inviting to children. Young children themselves may pick them up, put them in their mouth, and get these toxic substances on their hands.

As people do their shopping this holiday season, perhaps what we should be doing as a Nation, before this bill is signed by the President and goes into effect, instead of judging products by cheap prices, we should all be looking for quality and safety that comes from buying American products.

With that, I thank the committee.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Madam Speaker, I am enjoying my return to the Commerce Committee, where I serve under a great chairman, JOHN DINGELL.

Our committee has a history of producing strong bipartisan legislation. The regular order works, and we do good work when we follow it.

As a grandmother and grandmother-to-be, I watched in horror this summer as millions of toys were pulled off of American store shelves due to lead-tainted paint, detached magnets, and other hazards. I was further dismayed because Mattel, one of the companies responsible, is headquartered in my congressional district and employs 2,000 of my constituents to design and market its toys. I am pleased to say that Mattel has worked hard to fix its problems, though I will continue to recommend that it move some of or all of its manufacturing back to this country, where quality can be carefully monitored.

Madam Speaker, for all the reasons my colleagues have mentioned, H.R. 4040 is a landmark bill. It sets a high bar for toy manufacturers like Mattel, and strengthens government scrutiny of industry. H.R. 4040 was written the right way, the bipartisan way, and through the regular order of the House. In terms of process, it is a model for Congress at its best, and grandmothers, grandmothers-to-be, children, and our committee will be better for it.

I urge passage of this bill.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, it is my pleasure now to yield 2½ minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Thank you, Mr. Chairman, for yielding to me. And I thank you, Chairman DINGELL, Ranking Member BARTON and vice chairman of the subcommittee, Mr. STEARNS, for bringing this bill to fruition.

This is the season of giving, but parents today are worrying about whether the toys they buy for their children will be safe or a potentially lethal hazard.

The Chicago Tribune recently tested 800 toys and found a wooden butterfly in an Oak Park toy store with 85,000 parts per million of lead, 142 times the legal limit.

□ 1415

A Superman figurine contained 33,000 parts per million. The Associated Press followed up with their own tests, and 35 percent of the toys they looked at were contaminated with lead levels above the legal limit.

We should have a Consumer Product Safety Commission that is aggressive in protecting our children, our most precious resource. We should, but we don't. Unfortunately, the CPSC acting chairwoman seems content with the status quo.

H.R. 4040, the Consumer Product Safety Modernization Act, recognizes that the status quo of daily recalls, injuries and deaths is not acceptable. I support this bill because it provides new authority and resources to make products, particularly children's products, safe.

There are many important provisions in this bill. It would virtually ban lead in products intended for children age 12 and younger. It will mandate independent third-party testing for hazards in children's products and improve the recall process. It includes provisions from legislation I introduced to require long-overdue mandatory safety standards for durable infant and toddler products and strengthen recall effectiveness by requiring them to include recall registration cards.

I hope we can make this bill even stronger. Even with added resources authorized from the bill, a major improvement from the levels requested by President Bush, we could do better, particularly when it comes to monitoring imports. I support measures to add mandatory premarketing testing and other important things. But ultimately, we need to pass this legislation.

I support measures to add mandatory premarketing testing, tough whistleblower protections and the assurance that injured consumers will have full rights to hold wrongdoers accountable. And while I support provisions to encourage manufacturers to report dangerous products, I remain concerned about the effect those provisions would have on criminal liability and hope we can take a further look at this.

Ultimately no legislation will be successful if the CPSC continues to shirk its mandate of protecting consumers. I want to thank Chairman DINGELL and Chairman RUSH for their hard work on this bill and for their commitment to

holding vigorous oversight of CPSC's activities. I look forward to working with them to make this bill even stronger.

Mr. BARTON of Texas. I continue to reserve my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Thank you, Mr. Chairman.

Madam Speaker, like so many before me, I rise today in support of the Consumer Product Safety Modernization Act, H.R. 4040. As the father of five, I am very concerned about our children's safety. This legislation creates the toughest lead standard in the world for children's products, and I could not be prouder to support it.

I have held town hall meetings all across my district in Pennsylvania, and lead in children's toys remains a constant concern for parents. We need to know that our children are not playing with hazardous toys. We all know that lead poisoning can be extremely dangerous. According to the U.S. Consumer Product Safety Commission, lead poisoning in children is associated with behavioral problems, learning disabilities, growth retardation and even death.

As the holidays approach, this legislation is even more urgent. Requiring mandatory safety standards for nursery products and mandatory third-party testing of children's products will help stop the problem of lead toys before they hit the shelf. In addition, this legislation requires tracking labels to aid in recalls. I have been working with the CPSC to ensure that recalled items are removed from store shelves as quickly and as safely as possible.

My office has worked to make sure the public knows when there is a recall and how to take action. This holiday season, I urge all parents to check where the toy has been made and keep up to date with the recall e-mail notices provided by the CPSC. I am proud to offer my strong support for this critical legislation.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, today the House will take up legislation that, in the great tradition of the Energy and Commerce Committee, was reported out of the committee unanimously. I would have voted for it as well had I not been on the House floor presenting another piece of legislation. I want to commend Chairman DINGELL, Subcommittee Chairman RUSH, and Ranking Members BARTON and STEARNS for their great accomplishment.

This bill will develop a standard that will protect children from the dangers associated with lead exposure. It will create a national standard that is one of the strongest in the world and ensure that our toys are as safe as possible. This is an accomplishment that we all can be proud of. But let me point out that no one piece of legislation can make all the changes that we need at the Consumer Product Safety Commission. What we need to continue to look for are ways to further improve the CPSC.

We must ensure that the Consumer Product Safety Commission and the public get, and can appropriately use, information from manufacturers about the safety of their products. We must also ensure that the States have all the tools they need to permit them to fully assist the CPSC in its task because they will continue to be vitally important partners in enforcing the law.

Every day, Americans rely on the Consumer Product Safety Commission to protect them from dangerous products. To date, frankly, it has not done its job. This bill is the first step in changing direction and in making the CPSC the effective agency the American people expect and deserve. I know this will be a continuing effort on the part of the committee, and I look forward to working with my colleagues on that committee in a bipartisan way, I hope, to ensure that we achieve this goal.

Mr. RUSH. Madam Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Madam Speaker, this is the holiday season. For many of us, this is Christmas. And I believe we owe a debt of gratitude to the Energy and Commerce Committee, Mr. RUSH; the chairman of the full committee, Mr. DINGELL; all of the people who worked so hard; Ms. DELAURO who is not on the committee but who worked hard on this issue; and my good friend from Texas (Mr. BARTON) who today declared an enormous Christmas gift. He said the President is going to sign this in near order. Maybe it will be tonight or tomorrow, and we will come back with our Santa Claus hats on. I chair the Congressional Children's Caucus, and this is a mighty important step going forward.

I am delighted to be an original cosponsor of H.R. 4040, and I am really pleased that we responded immediately in an emergency posture. Can you imagine, Mr. RUSH, listening to a member of the Consumer Product Safety Commission saying, ''We need no more resources, everything is well.'' And can you imagine parents as they push the wee hours of the morning, of course not them, working with Santa, to get toys for their children, to be able to have to question whether these toys are safe? In fact, in my own district, I am hearing that parents are questioning, and the purchases of gifts are down, toys are down because they just don't know what is safe.

This is a good bill. It instructs those who are dealing with children that there has to be important oversight. I am working, as well, and hope that as we move forward to expand the responsibilities of the Consumer Product Safety Commission that we will also look to language that I have in legislation that I have filed, or will be filing, dealing with the prohibition of imports of children's products without third-party testing for certification.

This kind of oversight is crucial. Lead kills. So many times we have fought against lead in housing and fought against various, if you will, owners of apartments. Many times we have waged a battle against lead in our public housing, section 8 housing or dilapidated housing that many poor Americans have to live in. We have fought against that. Lead kills. Lead is poison. But can you imagine that right under our very noses we had goods and toys that, in fact, our children bought or their family members bought and they played with that would kill?

H.R. 4040, I believe, will save lives. It is an important statement. It is a holiday statement. It is an important statement to indicate that children of America are first. I ask my colleagues to support it.

Mr. RUSH. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I just want to take a moment to commend the work of the staffs on both sides of the aisle. We have a dedicated, hardworking staff that has done tremendous work over the weekends and into the wee hours of the morning. They have made it possible for this outstanding bill to come before this Congress for the American people. I want to commend them for their outstanding work.

Mr. BARTON of Texas. I continue to reserve my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. I want to thank the gentlemen, both the chairman and the ranking member of the subcommittee and the ranking member of the full committee, for this very important legislation.

My reason for speaking is simply to inform you of what you may already know has taken place on the bill that we voted on the other night. The commission had a budget of $62 million. The President's request was $63 million. During our hearing process, our subcommittee oversees the agency, we were shocked to hear from them that they didn't need any more money. In the middle of such a crisis, they were the only agency in the Federal Government saying, ''Don't give us any more money.''

Well, understanding the need and within the limited resources, we went from this year's $62 million to a full $80 million, and I wish it could have been $280 million. The purpose of my comments is to remind both sides that since we increased the dollars by $18

million, it was a message that we were all sending that we understand the need to take care of these issues and to react in a very positive way. And so it falls on us now to be very vigilant to make sure that they do the work that they are supposed to do.

There is nothing more important in my opinion at this present moment than to ensure the American people that products that are coming into this country and products that are being produced in this country are safe and proper for their children, for their families. We can do it through this bill. We can do it through the appropriations that we had the other night. I thank all of you again for being very vigilant in this kind of work.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is recognized for 3 minutes.

Mr. BARTON of Texas. Madam Speaker, I already complimented the majority on their process. I also want to compliment the majority and the minority on both sides on the policy. This bill has the toughest lead standards in the world for children's products. Let me repeat that. The bill before us has the toughest lead standards in the world for children's products.

It is phased in. The timetable may not be quite as aggressive as some of our consumer advocates would like it to be, but it is a fact that if this bill gets through the Senate, and I hope it will, the President signs it, and I know he will, we will have the toughest lead standards in the world for children's products.

It has a premarket approval process that is a major reform over the current practice, so that no product will be put into the marketplace until it has been adequately and aggressively tested before it goes to market. That is another major change from the current law.

The Consumer Product Safety Commission is a small agency. I believe it has less than 500 employees. But it is a very important agency. And I think it is important for the authorizing committees to do due diligence in their oversight and to also do due diligence in reauthorizing their agencies. I was very proud in the last Congress that for the first time in 14 years we reauthorized the National Institutes of Health and put in several major reforms.

I am glad in this Congress that we are working on a bipartisan basis to reauthorize the Consumer Product Safety Commission. I look forward, once we pass this piece of legislation, to work with the majority to take a look at the Federal Communications Commission. I believe it could use some reforms, too, and I know Chairman DINGELL and Subcommittee Chairman MARKEY have some of those same concerns that I have.

I urge a strong ''yes'' vote on this legislation.

With that, Madam Speaker, I would yield back the balance of my time.

□ 1430

Mr. RUSH. Madam Speaker, it is my pleasure and my privilege to yield such time as we have remaining to the chairman of the full committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Madam Speaker, I thank my distinguished friend for yielding to me.

I want to express my commendations to the chairman of the subcommittee, Mr. RUSH, for his outstanding leadership in this. I am proud, indeed, of your work here. I also want to say a word of praise to my dear friend, the chairman and the ranking member of the Commerce Committee, Mr. BARTON, and also Mr. STEARNS, who have served so well. Working with them has been a privilege and a pleasure. I want to salute them for what they have accomplished.

I also want to salute the staff. We have on this committee, on both sides of the aisle, a superb staff. I will not mention all of their names, but I do want to express my appreciation to Consuela Washington for the outstanding leadership she showed in the very difficult work that was done here. But that doesn't demean any member of the staff on either side of the aisle. They are superb, dedicated, wonderful public servants, and we owe them a great debt of thanks.

H.R. 4040 is a superb piece of legislation. Is it perfect? No. But it's as good as can ever be achieved in this place. It shows that the House of Representatives can work together, and in a 51–0 vote we have established that the Commerce Committee still carries forward its traditions of working well together and moving forward the business of the House in a proper, bipartisan fashion. In that, we may all, indeed, be proud. It shows a real vigorous collaborative effort by all members of the committee to craft a commonsense solution to the consumer safety problems that have received so much public attention in the past year.

We have developed, with input from government, consumer advocate groups and industry stakeholders, a bill which represents a comprehensive approach to improving consumer safety. Most importantly, the bill contains a very significant reauthorization, the first in 15 years at CPSC, and it gives that agency remarkably enhanced tools to enforce the compliance of both domestic and imported consumer products with laws and regulations that will enable the CPSC to do a much better job of protecting our Nation's people and our children.

I want to conclude, again, by thanking my good friends and colleagues who have worked so hard on this. I want to comment on the fine works of Representative DEGETTE, Representative SCHAKOWSKY, Representative CAPPS, and Representative HARMAN, who provided extraordinarily fine leadership to us as this matter went through the committee.

Again, I want to stress what a pleasure it has been to work with the chairman of the subcommittee, the ranking minority member of both the full committee and the subcommittee, and my gratitude to all of the members for the extraordinary way in which they have put together a piece of legislation in which this body may indeed be proud.

There will be some carping about the legislation, but I remind all that the perfect good is oft times the enemy of the good. We are moving forward speedily and well to protect our consumers in a proper fashion and to do so in a timely fashion and in a way which ensures not only the protection of the people, but the protection of the people in a timely and speedy fashion and a proper response to the concerns that all have set forward. I, again, thank my colleagues.

Mr. MARKEY. Madam Speaker, I commend Chairman DINGELL and Subcommittee Chairman RUSH for their intensive efforts to produce bipartisan legislation to overhaul a beleaguered agency, the Consumer Product Safety Commission, CPSC. As a tsunami of toxic toys flooded into our country and onto store shelves earlier this year, it became clear that the CPSC was unequipped to perform its vital mission—protecting the public from significant risks of serious injury or death from toys and other consumer products under the agency's jurisdiction. Chairman DINGELL and Chairman RUSH moved swiftly to respond to this crisis of confidence in the CPSC, holding important hearings that exposed major weaknesses at the agency, including an under-resourced and demoralized staff, a lead standard that enabled unsafe lead content in children's products, weak leadership provided by Acting Chairman Nancy Nord and other problems that made the CPSC the ''Can't Protect the Safety of Children'' agency. I congratulate my distinguished colleagues for their work.

When the Energy and Commerce Committee considered this legislation yesterday, I voted for it. H.R. 4040 mandates many important improvements at the CPSC and includes much-needed increases in resources for the Commission. Specifically, the bill:

Bans lead beyond a minute amount in products intended for children under 12.

Requires mandatory safety standards for nursery products, such as cribs and high chairs.

Mandates that the CPSC examine the current voluntary safety standards for toys, starting with dangerous magnets, and if found to be inadequate, requires mandatory standards to be adopted.

Significantly increases CPSC resources to hire additional staff and for laboratory renovations, including $20 million to modernize the testing lab. The bill allots $80 million for FY2009, $90 million for FY2010 and $100 million for FY2011.

Prohibits the export of products that violate U.S. consumer product safety rules, are subject to mandatory or voluntary recalls, are designated an imminent hazard to public health and safety, or are designated as a banned hazardous substance. Similarly, the bill makes the domestic sale of such products a prohibited act.

Bans CPSC commissioners and staff from accepting trips paid for by an organization regulated by the CPSC.

While this legislation contains urgently needed reforms, I hope that additional enhancements can be made as the bill moves through the legislative process. During committee consideration, I offered two amendments that I believe would have further strengthened this legislation. My first amendment would have created a ''Public Right To Know'' at the CPSC. In 2000 and again in 2003, the CPSC documented cases of children suffering intestinal injuries after swallowing small but powerful magnets that had fallen out of toys. The public didn't know, and the CPSC did nothing. By mid–2005, after more reports of safety concerns associated with the magnets and two reports of life-threatening injuries, the public still didn't know, and the CPSC still did nothing. On Thanksgiving Day 2005, Kenny Sweet died after swallowing magnets that had fallen out of Magnetix toys. And it was only then that the CPSC finally started to pay attention—but it wasn't until the following March and an additional 4 children were hospitalized with injuries that CPSC reached an agreement with the manufacturer to issue a partial recall, and the public finally got an inkling of what was going on.

The fundamental problem, even with the positive changes made by Section 206 of this bill—Publicly Available Information on Incidents Involving Injury or Death—is that right now, the only product information one can find on the CPSC Web site is information about products that CPSC has been both able to investigate and get manufacturers' approval to release, or information that does not identify which specific products are causing problems and is therefore of no real use to consumers.

My amendment was very simple. It required the CPSC to create a publicly searchable database that would allow consumers to access specific reports CPSC obtains from doctors, hospitals or other individuals of serious injury or death, or risk of serious injury or death that may be due to a faulty or unsafe product. In addition, manufacturers were required to send similar allegations they receive to the CPSC for publication in the database. The language also required CPSC to include a disclaimer that states that each report is provided for informational purposes only and that the commission has not investigated the report and cannot vouch for its accuracy, so that no one would confuse a single report from a consumer with a formal recall by the CPSC.

My amendment was developed to empower the public by enabling mothers and fathers to find out whether a product they might buy for their child might pose a risk—without waiting the months or years it could take for CPSC to take action. Although the committee did not approve this amendment, I hope that such protections can be added as this legislation moves forward.

My second amendment would have restored the CPSC's authority to investigate accidents occurring on rides located at amusement parks. While CPSC has the authority to investigate rides that are transported to carnivals and county fairs—and 15,000 other categories of consumer products that can endanger consumers—there is no Federal regulation of rides located at amusement parks.

A recent Washington Post report contained an extensive, front page investigation of the dangerous consequences of this regulatory black hole. It is entitled ''On Thrill Rides, Safety Is Optional—No Federal Oversight of Theme Parks.'' I recommend this important article to my colleagues.

My amendment was developed to put an end to a special interest loophole that prevents Federal consumer safety experts from investigating serious and sometimes fatal accidents even when they believe action is merited. As a result of this loophole, children and other ride enthusiasts are put at risk of serious injury and even death due to the absence of any Federal regulation. States are left to monitor the safety of these rides, and 23 States do not even permit State authorities to investigate accidents that occur at fixed-site amusement park rides within the State.

Some argued that State regulation is sufficient. I disagree. I received a letter from a former senior executive in the amusement park industry who also served as a board member for the International Association of Amusement Parks and Attractions, IAAPA—the amusement park industry's trade association. This individual was closely involved in the effort in 1981 to carve out the loophole for fixed-site rides that my amendment would have closed. In his letter, he wrote: ''Insurance programs mandated by States or maintained by the operating amusement park companies are often touted as assuring ride safety but many of these programs have gaping holes rendering the programs essentially meaningless. Some State licensing or inspection programs were created to serve not the public, but the industry, providing an illusory aura of safety. I now believe that I was wrong 25 years ago and that the industry should be regulated.''

As this industry insider has now admitted to himself, the time has come to stop using the good intentions and vigorous safety efforts of a few—be they an active State, a particularly attentive company, or even a past board member of the industry's trade association—to cover up the negligence, unsafe practices, and manufacturing defects that are routinely maiming and killing children and adults on rides. Thousands of people are injured every year on these rides, and people die on them every year.

My amendment did not mandate the creation of a new fleet of CPSC amusement park inspectors who would be required to fan out across the country to check every amusement park ride. My amendment merely permitted the CPSC—whenever it believed that the public safety would be served—to investigate accidents at amusement parks, share information with operators of rides across State lines, compile statistics that help inform consumers about safety risks and take similar actions to protect the public. Under current law, the hands of CPSC inspectors are tied when it comes to rides at amusement parks, which are off limits to Federal safety regulators. My amendment simply would have freed these inspectors to investigate these rides, when CPSC believes it is warranted. There are now about 90 safety inspectors, some of whom currently investigate accidents at carnival rides—these inspectors and others to be added under this bill—should be permitted to check the safety and investigate accidents at amusement parks.

I am pleased that Chairman RUSH committed to holding a hearing on this important issue, and I hope that we will soon close the roller coaster loophole, which continues to put children at risk when they board rides at amusement parks around our country.

As this bill proceeds, I also hope that there will be advancements in several other areas, including raising the cap on civil penalties for safety violations, improving pre-market testing of toys and other consumer products, and eliminating industry's ability to prevent disclosure to the public of significant safety risks by tying the commission up in Federal court.

Madam Speaker, I again commend Chairman DINGELL and Chairman RUSH for their work on this important bill, and I look forward to working with them in the future on the important consumer protection issues facing our country.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Consumer Product Safety Modernization Act, H.R. 4040. Like all products of compromise, it does not contain everything all of us would have liked. But it is a positive step forward in an area of public policy crying out for reform, and I am glad we are able to make this progress today.

Given recent press reports about unsafe levels of lead in children's toys, this legislation appropriately establishes the toughest lead standard in the world when it comes to children's products. Additionally, while not going as far as it ultimately should, H.R. 4040 subjects a much broader range of products to independent, third-party review.

I am also pleased that the Consumer Product Safety Modernization Act reverses the recent underfunding of the Consumer Product Safety Commission, CPSC, by increasing its authorization to $100 million by FY 2011—including an additional $20 million to modernize the CPSC's testing lab. It is neither reasonable nor responsible to task an agency with a job as important as protecting the public health without providing the resources necessary to accomplish that task.

Finally, this bill takes concrete steps to improve public notice of product recalls and strengthen enforcement against bad actors in the consumer market.

As we begin discussions aimed at finalizing this legislation with the Senate, I hope we will be able to make additional improvements to this bill by broadening the scope of mandatory product testing, enhancing families' right to know, and including robust whistleblower protections for those courageous enough to Bring serious safety hazards to light.

Madam Speaker, the Consumer Product Safety Modernization Act is a good start. I look forward to working with my colleagues to achieve the strongest possible consumer protection legislation in the months ahead.

Ms. MATSUI. Madam Speaker, I rise today in strong support of H.R. 4040—the Consumer Product Safety Modernization Act of 2007, not only as a Member of Congress, but as a grandmother as well. As I prepare to spend the holidays with my grandchildren, Anna and Robby, it makes me pause to consider how this legislation will benefit them and the children and grandchildren across the country. This year we have witnessed an unprecedented number of dangerous toys and products make their way to the shelves of American stores, resulting in thousands of recalls and Safety warnings. We cannot allow this trend of unsafe products in our homes to continue. Congress must act.

The bill before us today, which I am proud to co-sponsor, will improve the ability for the Consumer Product Safety Commission, CPSC, to protect the American public from unsafe products. The CPSC has the enormous

task of monitoring approximately 15,000 types of products. Over 27,000 deaths and 33 million injuries are associated with consumer products each year. We must ensure that the CPSC has the resources and authority necessary to ensure that the toys and products that we buy for our loved ones are safe. This legislation does precisely that.

The Consumer Product Safety Modernization Act takes a number of important steps to keep our children and grandchildren safe. For the first time, we will have a standard set for levels of lead in children's products. This will be one of the most rigorous standards in the world. It will also increase civil penalties against manufacturers of hazardous products, and establish a third-party certification and testing system for children's products. These and the many other provisions contained within H.R. 4040 will provide the CPSC with the tools required to monitor the evergrowing number of products under its jurisdiction.

Created in 1973 during the height of the consumer movement, the CSC was unfortunately downsized during the 1980s. It has never recovered from those changes, and has not been updated since 1990. Today's legislation will also expand the authority of the CPSC to ensure that only safe toys and products are in our stores and homes.

The CPSC exists to protect Americans from harmful products. We expect that consumer products have been adequately screened and deemed safe before they hit the shelves of our stores. Only by updating the CPSC and expanding its authority can it's mission be accomplished in today's globalized market. Public safety must always trump other concerns. The generations of lawmakers that have gone before us had the wisdom to invest in this agency, and it is now our responsibility to modernize and make long overdue improvements to the CPSC that will keep American families safe and restore faith in the agency.

I want to congratulate Chairman DINGELL and the rest of the Energy and Commerce Committee for their hard work on this bill. The legislation that we are considering today has enjoyed strong bipartisan support, clearly demonstrated by its unanimous approval by the full committee. I hope that the House will come together in a similar bipartisan way to advance this important bill.

Ms. ESHOO. Madam Speaker, I rise today in support of H.R. 4040, the Consumer Product Safety Modernization Act.

This has been called the ''Year of the Recall'' because there's been a complete failure by the Consumer Product Safety Commission to keep harmful and sometimes lethal products from getting on the shelves. Red tape, lax enforcement, and a shortage of resources at the CPSC have contributed to the recent recalls. It's not a coincidence that 25.6 million toys were recalled from stores in fiscal year 2007, compared with only 5 million toys in 2006. Things are falling through the cracks at the CPSC, and it's the American consumers, especially children, who are suffering.

It's become glaringly obvious that we can't rely on manufacturers to police themselves, we need to give our chief consumer regulatory agency the authority and the resources to get unsafe products off the shelves.

This bill is a significant improvement in product safety from the way we're operating now. It provides additional funding to the CPSC and bolsters the commission's ability to test and identify dangerous products. It also authorizes State Attorneys General to bring action on behalf of their residents to enforce federal consumer safety rules.

H.R. 4040 reduces lead levels in children's products, but in my view it doesn't go far enough. The amendment I offered in committee would have brought lead levels to 40 parts per million, the standard recommended by the American Academy of Pediatrics. It's my hope that the CPSC will take seriously its authority to adopt a more protective standard if it makes the determination that it is feasible and protective of human health.

I'm proud that my amendment to give the CPSC mandatory recall authority is included in the bill. This is an important tool for the CPSC to wield against the most nefarious companies who resist a recall of their faulty products.

I support this bipartisan bill to protect American consumers, especially children, and ask my colleagues to support it as well.

Mr. CUMMINGS. Madam Speaker, I rise today to share my strong support of H.R 4040, the Consumer Product Safety Modernization Act. As we near the end of the holiday shopping season, the critical nature of this legislation cannot be overstated.

2007 truly has been the Year of Toxic Toys, and I join my colleagues, as well as parents across the nation in expressing extreme alarm at not only the number—more than 2 million—of toys that have been recalled, but also at the names that have been associated with them—Toys 'R Us, Fisher Price, and Mattel.

Madam Speaker, these are not just random toys being picked up at some dime store; these are toys being produced by popular, long-established companies whose names parents trust. Sadly, it appears that this trust may be misplaced.

Toxic levels of lead in the paint have been detected on the popular Thomas the Tank Engine. GHB—the date rape drug—was found in the popular Aqua Dots, at levels high enough to put children in comas. I could offer seemingly endless examples of the atrocities that have been lining the shelves of our toy stores—and of our children's bedrooms—with more regard being placed on profit over protecting children's health. But, Madam Speaker, I will focus instead on something more alarming than these toys themselves: how they are getting into the market in the first place.

Madam Speaker, we have an agency called the Consumer Product Safety Commission. Let me re-emphasize this—the Consumer Product Safety Commission.

Its name alone suggests protection against hazardous products, so how is it possible that parents are purchasing toys with 200 times the legal level of lead?

How is it possible, that more than two million toys were able to slip past this agency, which by definition is charged with being a watchdog for our—and our children's—safety?

The answer, Madam Speaker, is that under the current administration and the previous leadership in Congress, the CPSC has seen drastic cuts in funding. More disturbing than the lax oversight of safety is the chairwoman of the CPSC, Nancy Nord, voicing opposition to increased funding or authority.

I cannot say that I have met anyone who is opposed to getting more money—especially when the person in question is charged with an agency whose mission is so critical—and especially when this agency has one person—one person—assigned to testing toys.

Madam Speaker, only 15 inspectors are policing the hundreds of points of entry for our imported toys—and I might add that 80 percent of toys in the U.S. are imported from China. The CPSC has only 85 percent of the employees it had in 2004, and only half of the employees it had 30 years ago.

This is shocking to the conscience and completely unacceptable. If Ms. Nord and the CPSC are unwilling to do what they ought to do, we must step in and do it ourselves. Our young people's health and futures depend on it. With H.R. 4040, we are taking steps to protect our most vulnerable consumer: our children.

This legislation bans all but trace amounts of lead in toys and children's jewelry. It strengthens the CPSC's ability to notify consumers about dangerous products more quickly and more widely. It bans the importation of toys or other children's products that have not been tested and do not conform to U.S. standards—meaning no more toys containing the date rape drug.

And, although Ms. Nord did not want any monetary gifts, we will be stuffing the CPSC's stocking with much needed supplemental funding this holiday season.

In closing, I thank my friend and colleague, Representative RUSH for understanding the current crisis and for introducing this much needed legislation.

Madam Speaker, I encourage all of my colleagues to join me in supporting H.R. 4040. Let's come together to ensure that 2009 is the Year of Safe Consumerism.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to take from the

Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. During consideration of House Joint Resolution 72 or the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either measure to such time as may be designated by the Speaker.

SEC. 4. House Resolution 849 is laid upon the table.

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

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Res. 893.

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

There was no objection.

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

Madam Speaker, as I said earlier, I have no problem with the rule. I do have a problem with the underlying bill, which provides the President with another blank check in support of his Iraq war policy, but I stated I think very clearly my concerns about that.

Other than a few closing remarks, I am going to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this matter was debated previously. It is obviously a critically important piece of legislation. I made some points about it before. I am not going to repeat my points at this time. I hope we can move to other very pressing matters before us today.

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

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

Madam Speaker, as of today, 3,893 of our bravest men and women have lost their lives in Iraq. Tens of thousands more have been wounded. They have lost limbs, lost their sight and suffered severe brain injuries. We have spent half a trillion tax dollars, none of it paid for. When is enough enough? When will this Congress finally reflect the will of the American people and begin to bring our men and women in Iraq home to their families? I hope it is today. I think it can be today.

As I mentioned earlier, Madam Speaker, in today's Washington Post the U.S. military has found that the strongest point of agreement among all Iraqis across all sectarian and ethnic groups is the belief that the United States' military invasion of their country is the primary root of the violent differences among them and that the departure of ''occupying forces,'' their words, is the key to national reconciliation.

Madam Speaker, I include today's Washington Post article for the RECORD.

[From washingtonpost.com, Dec. 19, 2007]

ALL IRAQI GROUPS BLAME U.S. INVASION FOR DISCORD, STUDY SHOWS

(By Karen DeYoung)

Iraqis of all sectarian and ethnic groups believe that the U.S. military invasion is the primary root of the violent differences among them, and see the departure of ''occupying forces'' as the key to national reconciliation, according to focus groups conducted for the U.S. military last month.

That is good news, according to a military analysis of the results. At the very least, analysts optimistically concluded, the findings indicate that Iraqis hold some ''shared beliefs'' that may eventually allow them to surmount the divisions that have led to a civil war.

Conducting the focus groups, in 19 separate sessions organized by outside contractors in five cities, is among the ways in which Multi-National Force-Iraq assesses conditions in the country beyond counting insurgent attacks, casualties and weapons caches. The command, led by Army Gen. David H. Petraeus, devotes more time and resources than any other government or independent entity to measuring various matters, including electricity, satisfaction with trash collection and what Iraqis think it will take for them to get along.

The results are analyzed and presented to Petraeus as part of the daily Battle Update Assessment or BUA (pronounced boo-ah). Some of the news has been unarguably good, including the sharply reduced number of roadside bombings and attacks on civilians. But bad news is often presented with a bright side, such as the focus-group results and a November poll, which found that 25 percent of Baghdad residents were satisfied with their local government and that 15 percent said they had enough fuel for heating and cooking.

The good news? Those numbers were higher than the figures of the previous month (18 percent and 9 percent, respectively).

And Iraqi complaints about matters other than security are seen as progress. Early this year, Maj. Fred Garcia, an MNF–I analyst, said that ''a very large percentage of people would answer questions about security by saying 'I don't know.' Now, we get more griping because people feel freer.''

Iraqi political reconciliation, quality-of-life issues and the economy are largely the responsibility of the State Department. But the military, to the occasional consternation of U.S. diplomats who feel vastly outnumbered, has its own ''mirror agencies'' in many areas. Officers in charge of civil-military operations, said senior Petraeus adviser Army Col. William E. Rapp, ''can tell you how many markets are open in Baghdad, how many shops, how many banks are open . . . We have a lot more people'' on the ground.

On Iraqi politics, ''we have four to six slides almost every morning on 'Where does the Iraqi government stand on de-Baathification legislation?' All these things are embassy things,'' Rapp said. But Petraeus is interested in ''his 'feel' for a situation, and he gets that from a bunch of different data points,'' he added.

Even though members of the military ''understand the limitations'' of polling data, Rapp said, ''subjective measures'' are an important part of the mix. In July, the military signed a contract with Gallup for four public opinion polls a month in Iraq: three nationwide and one in Baghdad. Lincoln Group, which has conducted surveys for the military since shortly after the invasion, received a year-long contract in January to conduct focus groups.

Outside of the military, some of the most widespread polling in Iraq has been done by D3 Systems, a Virginia-based company that maintains offices in each of Iraq's 18 provinces. Its most recent publicly released surveys, conducted in September for several news media organizations, showed the same widespread Iraqi belief voiced by the military's focus groups: that a U.S. departure will make things better. A State Department poll in September 2006 reported a similar finding.

Matthew Warshaw, a senior research manager at D3, said that despite security improvements, polling in Iraq remains difficult. ''While violence has gone down, one of the ways it has been achieved is by effectively separating people. That means mobility is limited, with roadblocks by the U.S. and Iraqi military or local militias,'' Warshaw said in an interview.

Most of the recent survey results he has seen about political reconciliation, Warshaw said, are ''more about [Iraqis] reconciling with the United States within their own particular territory, like in Anbar. . . . But it doesn't say anything about how Sunni groups feel about Shiite groups in Baghdad.''

Warshaw added: ''In Iraq, I just don't hear statements that come from any of the Sunni, Shiite or Kurdish groups that say 'We recognize that we need to share power with the others, that we can't truly dominate.'

According to a summary report of the focus-group findings obtained by The Washington Post, Iraqis have a number of ''shared beliefs'' about the current situation that cut across sectarian lines. Participants, in separate groups of men and women, were interviewed in Ramadi, Najaf, Irbil, Abu Ghraib and in Sunni and Shiite neighborhoods in Baghdad. The report does not mention how the participants were selected.

Dated December 2007, the report notes that ''the Iraqi government has still made no significant progress toward its fundamental goal of national reconciliation.'' Asked to

describe ''the current situation in Iraq to a foreign visitor,'' some groups focused on positive aspects of the recent security improvements. But ''most would describe the negative elements of life in Iraq beginning with the 'U.S. occupation' in March 2003,'' the report says.

Some participants also blamed Iranian meddling for Iraq's problems. While the United States was said to want to control Iraq's oil, Iran was seen as seeking to extend its political and religious agendas.

Few mentioned Saddam Hussein as a cause of their problems, which the report described as an important finding implying that ''the current strife in Iraq seems to have totally eclipsed any agonies or grievances many Iraqis would have incurred from the past regime, which lasted for nearly four decades—as opposed to the current conflict, which has lasted for five years.''

Overall, the report said that ''these findings may be expected to conclude that national reconciliation is neither anticipated nor possible. In reality, this survey provides very strong evidence that the opposite is true.'' A sense of ''optimistic possibility permeated all focus groups . . . and far more commonalities than differences are found among these seemingly diverse groups of Iraqis.''

Madam Speaker, the Iraqi people themselves firmly believe that reconciliation will not happen until we leave. If the Iraqi people want us to leave and a majority of the Iraqi Government wants us to leave and a majority of the American people want us to leave, then why on Earth are we still staying?

As I have said on a number of occasions today, what is contained in the underlying bill is a blank check. There are no restrictions on the tens of billions of dollars that we are going to give the President in support of his Iraq policy. There is no conditionality. There are no timetables for withdrawal. There is nothing. This is a blank check. We are into the fifth year of this war, and after all that we have seen, after all that we have been told that has turned out not to be true, it seems unbelievable to me that this Congress would vote for yet another blank check.

Madam Speaker, I urge my colleagues to reject this latest blank check, which essentially is in support of an endless war in Iraq, and vote ''no'' on the underlying bill. I ask for support of the rule.

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

The previous question was ordered.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Madam Speaker, pursuant to House Resolution 893, I call up the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 110–92 is further amended by striking the date specified in section 106(3) and inserting ''December 31, 2007''.

SEC. 2. Public Law 110–92 is further amended by adding at the end the following new sections:

''SEC. 160. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to the heirs at law of Julia Carson, late a Representative from the State of Indiana, $165,200.

''SEC. 161. Notwithstanding section 106, the authority to provide care and services under section 1710(e)(1)(E) of title 38, United States Code, shall continue in effect through September 30, 2008.

''SEC. 162. Notwithstanding section 106, the authority provided by section 2306(d)(3) of title 38, United States Code, shall continue in effect through September 30, 2008.''.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within to revise and extend their remarks on House Joint Resolution 72.

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

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I know the gentleman from California has to get to another meeting, so I will not take long. Everyone understands what this is. It is a continuing resolution that keeps the government open until the last day of the year so that the President can review other pending legislation.

I do want to just take one moment to bring to the House's attention the fact that a good and faithful servant of the House will soon be leaving this institution, John Daniel, who is sitting next to me and who, if he could, would wring my neck because I am even mentioning him.

John has served the Rules Committee, he has served the leadership, and he has served the Appropriations Committee for many years with extremely excellent judgment and extreme dedication to this institution. He is a strong institutionalist. There are a lot of people in this institution who demagogue the institution every day. John is not one of them.

I simply want to express my profound thanks to him for the service he has given the House in general and most specifically the service he has given to the Appropriations Committee. We hate to see him leave, but sometimes even the best of congressional staffers have a lapse in judgment. That is the only thing that can explain his departure in this case.

With that, I am ready to yield back when the gentleman is ready to yield back.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have said all I need to say about this bill except to echo the chairman's remarks regarding John's service.

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

Mr. OBEY. I yield back my time.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1445

TAX INCREASE PREVENTION ACT OF 2007

Mr. RANGEL. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tax Increase Prevention Act of 2007''

SEC. 2. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable years beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting ''($44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

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

This is an extraordinary time for those of us in the Congress, because a constitutional change is taking place that never was expected, and that is where the minority in the Senate can actually dictate to the House of Representatives exactly what they will and what they won't do. And so the whole question of whether or not the fiscal responsibility of supporting revenues for this bill is even going to be considered is something that we cannot expect the Senate ever to respond to because they need 60 votes in order to fulfill their Senate responsibility.

So what do we have on the floor today? We have the principle that most Republicans as well as Democrats have agreed to in the past, and that is that the time has come for us to be fiscally responsible.

Now, when the Congressional Budget Office has an item in this budget and it is called the alternative minimum tax and they put in that budget a receipt of $50 billion, it means to me and should mean to others that if you are going to delete that provision, you are deleting the $50 billion. And in order for the books to be balanced, as any family, any corporation, and I hope most intelligent and motivated countries, you raise the revenue to pay for it.

So this is not happening. The President says you don't have to pay for it. Go to the Japanese, go to the Chinese, borrow. And why should you pay? Let your children and your grandchildren pay for this tax relief that was never but never expected that it would hit these middle-class people.

Now, what are our options? We could stick to our fiscal guns. We could say the right thing to do is not to pass a bill that is not paid for. We could say that the taxpayers are not really entitled to the benefits of waiving the PAYGO rules. Or, we could say, why hold 23 million taxpayers hostage because of the irresponsibility of the minority in not being willing to pay for this, no matter how many alternatives we give them?

Well, we choose to say, protect the taxpayer. Forget the loopholes, forget the revenue losses, forget the indebtedness, at least for now, because we don't want those hardworking people, most of them hardworking couples with children and with deductions, to wake up in the morning and find there is a feud between the House and the Senate and the Republicans and the Democrats that would cause them to carry this burden. And the President says, remove it and don't pay for it.

Well, we come out on the side of the taxpayers, and we just hope that we can pass this suspension, get on with the protection, and then, in a responsible way, maybe the Republicans and Democrats in the House and Senate can deal with this in a more permanent way next year.

Madam Speaker, I hope that those that are listening come to the floor on this historic occasion as we hope that we can reverse the thinking in the House and the Senate in pay-fors.

Madam Speaker, I reserve the balance of my time.

□ 1500

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

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

Mr. MCCRERY. Madam Speaker, I compliment the majority on bringing this bill to the floor today to stop the alternative minimum tax from creeping further into middle-income families.

The effect of this legislation that we are considering today will basically freeze the AMT where it is. In other words, under the 2006 tax year, there were 4 million taxpayers that had to pay their taxes under the alternative minimum tax. This legislation will ensure that only those 4 million taxpayers, basically, will be paying taxes under the AMT and not an additional 23 million or so taxpayers at an average of about $2,000 per taxpayer. This is good news for those taxpayers. It is good news for the economy. At a time when many economists are worried about our economy going into a recession, now would be the wrong time for this Congress to endorse a tax increase, which is what would have happened had we done nothing.

So I compliment the majority in bringing this bill forward today and allowing the House an up-or-down vote on freezing the alternative minimum tax where it is.

Madam Speaker, anyone who has listened to the debate on this issue during the House's two previous considerations of an Alternative Minimum Tax "patch" for 2007 knows that this debate is about much more than just the alternative tax structure created in 1969. As has been repeatedly said by Members on both sides of the aisle, the Alternative Minimum Tax is a flawed tax, a mistake, unfair, and ripe for repeal.

I am pleased today that Congress is again limiting its impact, for the 7th year in a row, to only 4 million taxpayers. But, far more important than enacting the patch or preventing the reach of the shortcomings of the Alternative Minimum Tax, is the victory we have achieved today over a flawed fiscal policy.

The bill before us today is titled the "Tax Increase Prevention Act of 2007." It is properly named, as its enactment will prevent 21 million taxpayers from an average tax increase of $2,000 this year. But, this tax increase prevention pales in comparison to the tax increase that all federal income taxpayers, well over 100 million Americans, will face under the next President.

The debate over the past several months has been a warm-up act, a pre-game show, the "undercard," for the debate over the fiscal fork in the road the country will come to in 2010. On one side, clearly demonstrated by the initial vote on H.R. 3996, and the vote on H.R. 4351 last week, are those who believe the federal government needs more tax revenue. On the other side, mostly this side of the aisle, are those who believe the federal government already collects enough taxes from its people.

I hope this philosophical difference is understood as we move forward with debate on tax legislation next year, prepare for a great national debate during the 2008 elections, and engage during the 111th Congress over the largest tax increase in the history of civilization.

In those debates, proponents of the "paygo" rules that were successfully cast aside earlier today will cloak their arguments in terms of fiscal responsibility. They'll argue in moral absolutes and in righteous terms that the House's paygo system is sound budget policy. I beg to differ. Taken to its logical end, it is a recipe for economic disaster.

Over the past few months, the goal of the proponents of "paygo philosophy" has been simple—to increase taxes. If we had not been successful in defeating their efforts here, consider where the debate would go next. The next Congress and the next President will be debating a tax increase on married couples, a tax increase on families with children, a tax increase on death, a tax increase on investment, and a tax increase on savings. Every current federal income taxpayer, and even millions of Americans who currently pay no federal income taxes, faces a substantial tax Increase.

Let's be clear, the goal of paygo's advocates is to succeed in allowing all those taxes to increase, or to find other tax increases to replace them. At the end of the day, if you believe the federal government needs trillions more in tax revenue, you should oppose this bill, you should recommit yourself to "paygo," and you should be utterly disappointed that the House overwhelmingly rejected it today. As for me, I hope that Members will vote to support this legislation, and bury "paygo" in the graveyard of failed economic philosophies.

I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND), a member of the committee.

Mr. KIND. Madam Speaker, this is truly a sad day for the institution of Congress in this administration when we have a minority number of Members in both the House and the Senate that are more interested in protecting a handful of hedge fund managers' ability to move millions of dollars offshore without paying their fair share of taxes and in order to protect the financial security of our children and grandchildren by paying for this AMT relief bill.

Make no mistake, everyone is in agreement that we want to stop the AMT from affecting 20-plus million Americans next year. The difference is our party wants to pay for it; they don't.

We have had the fastest and largest accumulation of national debt under Republican rule in the last 6 years, and they're saying that's not enough.

We are almost completely dependent on borrowing money from China to finance our deficit, and they're saying that's not enough.

The fastest growing area of spending in the Federal budget is interest payments on the national debt, and they're saying that's not enough. Let's pile on some more and let's leave this mortgage, this legacy of debt for our children to handle. I think that is a disgrace.

Mr. MCCRERY. Madam Speaker, to paraphrase the last speaker for the majority, it is his party that wants a tax increase. It is our party that does not want a tax increase. It is that simple.

Madam Speaker, I yield 2½ minutes to a distinguished member of the committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, let's just say what we're doing here. What this bill does is it prevents a tax increase. Now, we have different philosophies and we have different ideas on how to keep America moving forward between Republicans and Democrats, the minority and the majority.

What the majority is doing right here is they are waiving their own budget rules. They came in promising a new pay-as-you-go system, and here they go, as soon as the going gets tough, waive PAYGO.

I find it interesting that never during the course of this debate this year did the majority ever propose to reduce spending to offset this. They only proposed raising taxes. But here we are on the eve of the end of the year, preventing 19 million additional taxpayers from paying this tax increase.

Let's look at where we were at the beginning of this year.

Speaker PELOSI: ''After years of historic deficits, this new Congress will commit itself to a higher standard: pay as you go.''

The majority leader, and I think he will be consistent and vote against this particular bill: ''Our budget strictly adheres to the pay-as-you-go budget rules that were reinstated in January by the new majority.''

Our distinguished chairman of the committee: ''You've got to offset those tax cuts.'' So on and so forth.

Well, here we are and we are going to pass this by waiving PAYGO.

Now let me make it very clear, I disagree with the majority's PAYGO. The majority's PAYGO says let's just keep raising taxes. Well, two wrongs don't make a right.

This tax was never meant to be. This is a new tax increase on top of the Tax Code. It was never intended in the first place. This ought to be repealed, period. So I don't agree with this notion that this tax increase ought to just be replaced with some other tax increase, and that's the majority's position. They want the revenue from the alternative minimum tax, they just don't want to raise it through that tax so they have a different tax increase. That is bad economic policy.

At a time when economists are telling us we might be headed for a recession, at a time when they are saying a slowdown is on the horizon, the last thing the American people and the economy need is a tax increase. That's why this is an important bill. We have big tax increases on the horizon.

The distinguished chairman of the Ways and Means Committee is proposing an enormous tax increase, $3.5 trillion. They are proposing to get rid of all of those tax cuts that got us out of recession in 2003 in the first place, and they are proposing not to repeal the AMT but to replace it with even higher taxes on workers and small businesses. That is the wrong economic recipe for America. The right one is keep taxes where they are and control spending.

Mr. RANGEL. I am glad that the last speaker is so young and vibrant that he may be able to share with the President his views. It was never intended that this tax would hit the people. That's why for 7 years the President never did anything to remove it. He never expected it to hit the people. That's why every year except this year he put it in the budget and expected the $50 billion. No one ever expected this to exist. That's why the Congressional Budget Office says we should be getting $50 billion. This argument is so persuasive, I can't wait to get home to explain it to my creditors.

I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our majority leader, and thank him so much for the work he has done for the majority and, therefore, for the Congress and our country.

Mr. HOYER. Madam Speaker, I thank the distinguished chairman.

What an ironic argument my friend from Wisconsin makes. We said we were going to have a PAYGO rule. We have voted consistently for PAYGO.

We have paid for that which we have bought with 80 percent cuts and 20 percent increases in revenues.

What an ironic argument he makes that somehow now we are not following that because nobody on this floor believes that 19 or 23 million, take your pick, Americans are going to get a tax cut on which President Bush has relied in every budget he has sent to us except the year of that particular budget. But the revenues have always been relied upon in his budget numbers. You didn't change it. You were in charge for 6 years.

Ironic, because the only reason we have to do this tonight in this fashion and not ask the wealthiest in America, I don't mean people making $10 million, I don't mean people making $100 million a year, but people making $500 million a year, don't have to pay their fair share. That is what this is about. That is what we have been forced to on this day on this floor and in the other body. Because what is happening is what traditionally happens, the wealthiest and most powerful in America are protected on this floor from paying their fair share.

This is not about class warfare. This is about once again saying to the middle class, We are not here to protect you. We are here to protect the wealthiest in America from paying their fair share, which is what PAYGO is all about.

My young friend says that the economy is in trouble. The Democrats have not been able to pass one thing in the last 7 years to impact this economy. Not one. It is all on your watch, I say to my friends; all your watch.

And you told us in 2001 and 2003 if we passed your economic program and continue to follow that the economy would grow and expand, and now you say it is contracting and in trouble. I agree, it is. Why? Because your economic program is a failed program that took us from $5.6 trillion of surplus, four budget surplus years in a row, and has taken us deeply into debt and deficit. And yes, facing recession in the eye because your economic program is a failed policy.

And I am angry about it. Why am I angry about it? Because I have a great granddaughter who is 13 months old. I have a granddaughter who is 5 years of age, just starting kindergarten. And I have another granddaughter who is 21. She has a daughter, and I am worried about continuing to pursue this path of debt piled on debt, piled on debt, piled on debt.

The only reason this bill is not paid for is because Republicans, in lockstep almost, in both bodies, have precluded us from paying for this, which everybody wants to do, and that is to relieve the tax burden on those who are confronted with a tax that everybody agrees was not meant for them. It was meant for the wealthy.

So who is being protected by this? The wealthy, whom this tax was intended to hit.

So when you get up here and tell me nobody intended the tax to hit, that is correct. But the people you are protecting are the people it was specifically intended to impact, to pay their fair share, not to run offshore and avoid taxes, not to have their taxes computed at 15 percent while all of us pay 35 percent. That's what this is about.

Ladies and gentlemen of this House, what we do tonight I will not support if we do it. I have a lot of people who live in my district who will be confronted with the alternative minimum tax. I don't want them confronted by the alternative minimum tax. But if we are going to continue to buy, if we are going to do what we will do later tonight, part of the $196.4 billion that you're spending of the legacy of those children that I just mentioned of mine, which you are not going to pay for, and you said this enterprise will cost $60 billion.

This administration has been a failed administration economically and a failed administration fiscally. But you continue to pursue these policies, and we are forced today to recognize that

we don't have the votes to pursue the pay-as-you-go principle that we adopted in a bipartisan fashion in 1990, we reaffirmed with many of you voting for it in 2007, and which you abandoned in 2001. And deep deficits and now economic recession facing us is the result.

I don't urge my colleagues to vote for this bill as I usually do when we bring something to the floor. This is on suspension not because we believe, in my opinion, many of us, that this is good policy, but because we are faced with two stark alternatives: A President who will veto paying for things that we buy, a President who will veto this bill if it is paid for, responsible fiscal policy; and a Senate that will not vote with us and, frankly, House Republicans who won't vote for this. But we can pass it here, as we did twice. Twice we have passed this fix, and we have paid for it.

This is a sad day for America. It is a sad day for my three grandchildren and my great granddaughter, 13 months of age, on whom we will pile an additional $80 billion of debt with this vote tonight if it passes. So $50-some-odd billion and then the interest to follow, she will have to pay that.

We ought to pay our bills. We talk about personal responsibility. We ought to have the personal responsibility in this generation to pay for what we buy. I regret this day and this bill.

Madam Speaker, I believe that every single Member of this body—on both sides of the aisle—agrees that we must protect middle-income Americans from the Alternative Minimum Tax, the parallel tax system enacted in 1969 to ensure that wealthy Americans pay their fair share.

The question that divides us is this:

Will we enact a fiscally responsible 1-year patch to the AMT that prevents 23 million Americans from paying more in Federal income taxes under the AMT than they otherwise would pay under our standard tax system?

Or, will we take the easy route, the politically expedient route, the fiscally irresponsible route, and enact an unpaid-for, 1-year patch that tacks another $50 billion—yes, $50 billion—onto the deficit and debt, and immorally forces our children and grandchildren to pay our bills?

For months, Democrats on both sides of Capitol Hill have fought to do the right thing—to enact a fiscally responsible AMT patch that is paid for by, among other things, closing a tax loophole that permits many of the wealthiest people in our Nation from denominating their income as "capital gains," and thereby allowing them to pay the 15-percent capital gains tax rate rather than the higher marginal income tax rate.

Time after time after time, House and Senate Republicans rejected our "pay-fors," and demanded that we take the fiscally irresponsible route—and enact an AMT patch that adds $50 billion to the national debt.

Madam Speaker, there is no small irony in the fact that the President and his Republican allies in Congress have fought all year long to prevent Democrats from adding $23 billion in funding for domestic priorities while they have no compunction about voting to add $50 billion to the deficit and debt.

No small irony. Only gross irresponsibility.

Let no one be mistaken: The Republican position on the AMT is part and parcel of an almost theological belief in supply-side economics that is demonstrably false.

The Minority Leader, Mr. BOEHNER, recently stated: "Tax relief pays for itself."

And, the President himself has stated: "You cut taxes, and the tax revenues increase."

The facts, however, show otherwise:

In the last 7 years, the Republican party's economic policies have erased a projected 10-year budget surplus of $5.6 trillion, instigated record budget deficits, and added more than $3.4 trillion to the national debt.

As my good friend, Congressman TANNER of Tennessee, recently pointed out: Since President Bush took office, the gross national debt has increased by $1.37 billion per day; $57 million per hour; and $948,907 per minute.

This, of course, is the record of a President and Republicans in Congress who pretend that they are "fiscally responsible."

And today, they don't bat an eye at adding another $50 billion to the debt.

Madam Speaker, our Nation is on a perilous course.

Just listen to our non-partisan Comptroller General, David Walker, who stated last year: "Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security."

Democrats recognize the danger of continuing on this unsustainable fiscal path—and in one of our first acts back in the majority, we reinstated the Pay-As-You-Go budget rules that Republicans formerly supported and which are credited with restoring fiscal discipline in the 1990s.

Today, we will protect 23 million middle-income Americans from bearing the brunt of the dreaded AMT—a tax they should not pay, a tax that must be permanently reformed.

And we should also be passing a fiscally responsible AMT patch that is revenue-neutral—a position supported by the President in his budgets.

However, it is regrettable and, yes, shameful that we will not be doing so because the President and his allies in Congress have insisted on political expedience and fiscal irresponsibility.

Mr. MCCRERY. Madam Speaker, I wish you would urge the previous speaker, the majority leader, not to give up on his desire for fiscal responsibility.

□ 1515

All is not lost because of this bill. There are many of us on this side of the aisle who want to work with him and others to plot a fiscally responsible path for the United States Government. That would include entitlement reform, spending savings, as well as tax reform. So I hope he doesn't give up, and I hope he will work with us in the future to achieve that.

At this time, Madam Speaker, I would recognize the distinguished gentleman from New York, a member of the Ways and Means Committee, Mr. REYNOLDS for 2¼ minutes.

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

Mr. REYNOLDS. Madam Speaker, we're talking about the young age of my colleague and fellow seat mate in Ways and Means. I'm a little older, so I heard the President when he said, There they go again. Ronald Reagan. I heard him, and it kind of reminded me today as the liberals of this great body and the Blue Dogs of this great body come down and rant and rave over the fact, while they run the House, we're going to have the will of the House, and the will of the House is to fix the AMT for a 1-year patch, just like we've done in the past. Not an unusual fix.

The last time I introduced this legislation, in 2005, 414–4 voted to support that bill. As a matter of fact, I looked and there were 33 Blue Dogs, some of which will speak today, that voted for my bill. And I promise you it didn't raise taxes. It just simply provided a 1-year patch for 2006 to give relief to the middle-class taxpayers that never were supposed to be caught up with this thing since it was created in 1969.

And so when we look at this today, we've got a blame game from everybody saying, hey, it's the Republicans in the Senate, it's the Republicans here, the Republican President.

The Democrats run the House. We're here right before the holiday, and this is the best bill you've got and we're going to pass it. We're going to pass it just like I knew when I put it in in February, that all of the talk, all of the hope, all of the desire to change comes down to the fact we couldn't do it.

And it gets me down to three words, deny, deceive and delay. Deny that you would raise taxes. You've already outlined how you're going to raise taxes. Deceive, you promised the American people you'd fix this permanently. And we're here today, at this late hour, doing a patch.

And then we look at delay. For 11 months, we have delayed this to where we could have fixed it so that the American taxpayer would at least have the forms when the 2007 tax bill comes home.

I urge a "yes" vote on this legislation.

Mr. RANGEL. Madam Speaker, I have two requests. One, that Dr. MCDERMOTT, one of our most expert legislators, who is trained as a psychiatrist, be given the opportunity to try to bring some reasonableness to the last speaker's remarks for 1 minute.

And also, that I be allowed to yield the balance of my time to the chairman, RICHARD NEAL, of the Select Committee on Revenues, who had the responsibility of guiding us through the alternative minimum tax.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

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

Mr. MCDERMOTT. Perhaps, Mr. Chairman, the best way is to recite a

poem, maybe to lower the temper in here.

'Twas the night before Christmas,
When all through the House,
Every tax lawyer was stirring,
Even the hedge fund's spouse.
The stockings were hung by the chimney with care,
In hopes that AMT relief soon would be there.
The children were nestled all snug in their beds
While visions of health care and surplus danced in their heads.
The Speaker with gavel and Bush with his pen,
And Republican Visa cards on the mend,
Blue Dogs, debt and dollar in decline,
Our fiscal sanity all on the line,
''Away with PAYGO'' the Republicans cheer,
Sack the children with debt, year after year.
Our majority too slim to beat a veto,
The luster of debt is all the minority know.
When what to my dismayed eyes should appear,
The upcoming election year.
New Hampshire is close and the caucuses near,
It won't be long before the voters make clear.
We only have 397 more days of this administration.

Mr. MCCRERY. Madam Speaker, at this time I yield 1½ minutes to the distinguished gentleman from California, the ranking member of the Trade Subcommittee of the Ways and Means Committee, Mr. HERGER.

Mr. HERGER. Madam Speaker, the alternative minimum tax was never meant to reach down and ensnare middle-class taxpayers. It does so because it was never indexed for inflation. The AMT was created in 1969 to capture 155 of the wealthiest taxpayers in America. If we don't pass this legislation today, it will increase taxes on not 155, but 23 million mostly middle-income families this year. A clean AMT patch is the right policy for taxpayers. There are no new taxes in this bill to comply with the so-called PAYGO tax increase budgeting. PAYGO can't control spending, and it really only makes tax relief virtually impossible. So I'm pleased that we're not falling for the PAYGO trap on this temporary patch.

No new taxes also means that we're not dipping into the economy for revenue. This is good, since we're facing rough economic waters due to the mortgage situation. Although I'm concerned our delay in passing this patch could result in added waiting time for tax returns from the IRS, this inconvenience is minor compared to the alternative, tens of billions in new taxes to offset temporary tax relief.

I strongly support House passage of this clean AMT patch and urge an ''aye'' vote.

Mr. NEAL of Massachusetts. Madam Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Massachusetts has 12½ minutes. The gentleman from Louisiana has 11¼ minutes.

Mr. NEAL of Massachusetts. I yield myself 1 minute, Madam Speaker.

Madam Speaker, my friend, the gentleman from New York, said the Republicans are blamed for this and the Republicans are blamed for that, and the Republicans are blamed for this. Let's make it clear. They ought to be blamed for this. It is the Republicans in the Senate, it's the Republicans in the House, and it's the Republican at the White House that have caused this moment. They want to borrow the money. They talk about finding common ground. The easiest loophole to close that I have been part of in the last 19 years is the one that we've offered on this floor for wealthy hedge fund managers who hide money on the island nations to avoid taxes. We're asking them to pay for a middle-class tax cut for 23 million people.

Let me repeat: The Republicans in the House, the Republicans in the Senate, and the Republican at the White House, they have all opposed that measure. That's why we're here today at this moment to get this done.

It has been their intransigence and their unyielding position on insisting that this money be borrowed when the minority has had its day in this House of Representatives. That's why we're here, and that ought to be eminently clear to the people that are watching today.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I appreciate the gentleman giving Republicans total credit for stopping a $50 billion tax increase, but he's really way too humble. This bill wouldn't be on the floor today were it not for the consent of the majority.

At this time I would yield 2 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, the truth is that this $50 billion that we're now prohibiting being collected from 23 million new American families next year isn't our money. It's their money. It's not money that we have this year. Now, it's money that we said at the first of this year we never want to collect from these families, but then we decided we immediately wanted to go right ahead and spend it.

That's the real fallacy here. Whether the White House makes that mistake or the legislature makes that mistake, we have no right to this money.

As my good friend from Massachusetts said, Republicans oppose raising taxes. Now, because of that, our friends on the other side kept putting this issue off, and because of that, when it comes time for Americans who aren't impacted by the alternative minimum tax at all to get a refund, their refund is going to be slowed up. This should have been done 6 months ago. But we are getting it done today. We need to move forward in a way that doesn't let this continue to be a pattern.

This tax was put in place in 1969. Unfortunately, it's still affecting the same families that were affected in 1969. But no modification for inflation. No forward thinking.

It was made worse in 1993. Republicans in the House, and some Democrats, voted to repeal this tax in 1999. And that's the best answer.

We need to get on to how we eliminate this unfair tax. It doesn't do what it's supposed to do. And we have no claim on this money. Acting like we do, spending it in advance, waiting till the last minute to do anything to protect these families was bad management. But we are getting the job done today of protecting these families.

Madam Speaker, I'm glad we're doing that.

Mr. NEAL of Massachusetts. Madam Speaker, we're debating theology here today, as opposed to reality.

With that, I would like to recognize the gentleman from Michigan, a member of the Ways and Means Committee, Mr. LEVIN, for 1 minute.

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

Mr. LEVIN. Madam Speaker, it's interesting to listen to the minority. They don't defend this tax loophole. No one has gotten up and said people who should pay their taxes aren't paying those taxes and so it's okay. That's really what you're saying. You're saying it's a tax increase when you go after people who should be paying their taxes. It's absurd. It's carrying a political label to an absurd level, and unbelievable.

I suppose if we give more money for the collection of taxes for people who owe them who don't move offshore, that's also a tax increase?

You're hiding behind a label. What you're doing is saying, once again, when there's a hole of debt, dig it deeper.

This has become the theater of the absurd.

Mr. MCCRERY. Madam Speaker, at this time I yield 1½ minutes to the distinguished gentleman from Michigan, the ranking member of the Health Subcommittee of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. Madam Speaker, they say it's better to be a day late than a dollar short. In this case, however, the majority party is over a month late, costing taxpayers $75 billion.

As I listened to some of the previous speakers on the other side, just because they can't deliver on their promises, somehow it's our fault. But by postponing action on legislation to exempt 23 million Americans from paying the alternative minimum tax, the majority party has caused taxpayers, both those affected by the AMT and those who are not, to have their refund checks significantly delayed.

When Republicans were the majority party during the last Congress, we got our work done and fixed the AMT exemption amounts in May. As a result, no taxpayer funds were delayed. No additional taxpayers were forced to pay the AMT last year.

This year, under their majority, 23 million Americans will be subject to the AMT. Last year under a Republican

majority, 4 million Americans would have paid the tax.

The sad part is 23 million Americans should not have to pay the AMT.

□ 1530

They could have been shielded if the Democratic-controlled Congress was able to finish its work on time.

The Senate has already passed a 1-year AMT fix that did not include tax increases. They passed this legislation almost 2 weeks ago, and instead of immediately taking up this bill, the House Democrats have insisted the legislation include billions of dollars of permanent tax increases just to maintain current tax law and tax rates.

I'm glad the majority party in the House has finally seen the light of day.

And despite being much more than a day late and far worse than a dollar short, I'm pleased the House is finally getting around to passing this critical legislation, and I urge my colleagues to support the bill before us.

Mr. NEAL of Massachusetts. Madam Speaker, at this time, I yield 1 minute to my classmate, my friend and a champion of the taxpayer, a member of the Ways and Means Committee, Mr. TANNER from Tennessee.

Mr. TANNER. Madam Speaker, as slow as I talk, I'll talk fast.

No political leadership in the history of this country has done what these people have done at the White House and here in the Congress in the last 6 years. When they say they oppose raising taxes, let me tell you, they have placed the largest adjustable rate mortgage on the American people in the history of humankind.

Just in the last 72 months this country has borrowed more money in a shorter period of time than ever in its history. We're presently borrowing from foreigners a little over $20 million an hour.

When in the name of all that is holy are you going to stop? We are trying to pay our bill and you won't let us. The Republicans in the Senate won't let us.

When you place a $50 billion debt on every man, woman and child in this country to protect less than 10,000 people who are exploiting a tax loophole, and this is exactly what's happening here, when in the name of all that's holy are you going to quit? When China forecloses us?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. MCCRERY. Madam Speaker, at this time I yield 1½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), the distinguished ranking member of the Select Revenue Measure Subcommittee.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I'll keep my remarks brief and submit the bulk of my remarks for the RECORD where they contain economic analysis and no theology, so they may be out of place in this floor debate.

It's been fascinating to listen to the lecture that we've heard about failure. The failure that is on display here is the failure of this majority to fix the AMT as they promised or even to patch it in a timely fashion.

We are voting today on a bill that we should have voted on 4 to 6 months ago and easily could have, and the blame here, if there is to be any blame, is on the other side for having passed a budget that was built on quicksand, that was balanced based on revenues from applying the AMT to 23 million mainly middle-class families. And every one of them that voted for it voted to do it.

They took PAYGO and they made a burlesque of it. What they have been doing up until this point is trying frantically to hold the AMT crisis that they created as a hostage in order to drive higher taxes. They've been using the AMT issue as a locomotive for a tax increase that is unnecessary and is inappropriate, particularly if, as the majority leader feels, the economy might be slowing down.

They have been single-minded in their approach to try to drive higher taxes. Today, we have an opportunity to protect the taxpayers without a tax increase. Let's take it.

Madam Speaker, since coming to Congress, I have been a vocal champion for repealing the Alternative Minimum Tax. The AMT is a horribly inefficient parallel tax system that was never intended to impact those it is, or soon will ensnare.

This Congress, like so many before it, I have introduced legislation to repeal the AMT.

In recent years, Congress has turned to enacting temporary relief—or a patch—to keep the AMT from reaching more and more taxpayers in the middle class. This is necessary because the AMT was never indexed for inflation.

This fact, in conjunction with the Democrats' distortion of pay-as-you-go budgeting has placed us in the situation we face today.

While I think it is fair to say that most people believe the AMT was a mistake and it should be addressed, the debate is over how it should be addressed and if, in fact, other taxpayers should pay more taxes in order to keep the AMT at bay.

In other words, does it make sense for the rule of the House to require Congress to find revenue through real tax increases in order to stop a tax increase from happening?

The Democratic majority says yes. I say that this premise is utterly absurd.

Only in Washington could some green-eyeshade type conjure up the idea that it is necessary to raise taxes on one group of Americans in order to prevent another group of Americans from paying more taxes.

Instead of focusing our energy on who should pay more taxes, as this majority has done, Congress should be focused on what kind of pro-growth, pro-innovation and pro-job tax policies to enact.

Sadly, Madam Speaker, this majority has failed in this regard, even at a time the economy is beginning to show signs of softening.

Even on the more narrow issue of ensuring 21 million new taxpayers aren't subject to the AMT next year, the majority has barely received a passing grade.

This is the latest in the year Congress has dealt with an AMT patch—ever. Well, in this instance, tardiness as a severe consequence.

The Internal Revenue Service has said that the delay in enacting an AMT patch this year will result in massive confusion for taxpayers and lengthy delays for those expecting refunds this year.

And perhaps most disappointing of all is that when you dig deeper, the misguided banner of paygo which the majority holds up today is nothing more than a feeble attempt to mask their true intention with the AMT all along: to hold 23 million taxpayers hostage as they implement a protracted effort to permanently raise taxes in exchange for temporary tax relief.

They may say today that they are issuing an "IOU" to taxpayers that they intend to "pay for" this bill to prevent a tax increase. But, no American is fooled by these reindeer games. They know that all that means is that the House Democrats have just made a reservation to come to your house and raise your taxes.

I'm particularly pleased Republicans were able to call the majority out on this folly today in the name of the American taxpayer and economy. But, we must also insist that the majority's reservation is never honored.

Mr. NEAL of Massachusetts. Madam Speaker, I'd like at this time to yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Madam Speaker, two-thirds of the benefit of this tax cut will go to families who earn $100,000 a year or more. Now, I support giving them the tax break, but I don't support borrowing $50 billion to do it.

Our Republican colleagues say today that, well, you don't have to borrow the money. Why don't you just cut spending? Well, that's the very question that we asked President Bush's representative when he came in front of our committee, and he stood there and he kind of scratched his head and said, I can't think of any spending cuts, nor have these Republicans offered a single spending cut to finance this $50 billion tax cut.

No, their approach is their old borrow-and-spend approach that they've used for the last 7 years. The debt goes up; the dollar goes down. We have the specter on the horizon of both inflation and recession, and they follow the same old broken policy.

I believe that they are holding taxpayers across this country hostage to force the Congress to borrow more money for yet another tax break. It does not make good economic sense, nor is it equitable.

Mr. MCCRERY. Madam Speaker, may I inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Louisiana has 6 minutes remaining. The gentleman from Massachusetts has 8½ minutes remaining.

Mr. MCCRERY. In that case, I will let the majority go.

Mr. NEAL of Massachusetts. Madam Speaker, with that, I'd like to yield 1 minute to the gentlelady from Pennsylvania (Ms. SCHWARTZ), a valued

member of the Ways and Means Committee.

Ms. SCHWARTZ. Madam Speaker, I thank Chairman NEAL for his leadership on this bill and rise today to support tax relief for hardworking American families.

Our action today will protect 23 million Americans from unexpectedly having to pay the AMT for the first time this year.

We in the Democratic majority are committed to enacting fiscally responsible tax relief, but the President and the obstructionist Republicans have made it clear that to them adding to the national debt matters not at all.

Under their watch, the national debt has nearly doubled. Rather than making tough decisions, they have opted time and again to push the cost of government on to future generations.

Congressional Republicans repeatedly and stubbornly resisted our efforts to ensure that we protect 23 million Americans from the AMT and do so without adding to the national debt.

The Democratic Congress is committed to our pledge of fiscal responsibility. We will work to ensure the tax relief we pass today will not add to the national debt.

I vote for this AMT tax relief to give 60,000 hardworking American families in my district the tax relief they deserve, and I pledge to work to make sure we don't pass on the cost to future generations.

Mr. MCCRERY. Madam Speaker, I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, let's check the facts. The facts are the only reason we're here today is because the Democrat Congress created this alternative tax. The only reason we're here today is because a Democrat President, Bill Clinton, vetoed the repeal of this alternative tax. That's why we're here today.

As for being fiscally responsible, let's check the facts for just this year alone. For years, Democrats have said it is irresponsible not to pay for this war; it's irresponsible to borrow for this war. This year, they have spent, with our support, billions of dollars for this war and didn't pay for a dime.

The majority leader stood on this floor and said it was fiscally irresponsible to raise the debt limit; yet they did it in the first 60 days in their own budget.

This year they have used multiple pay-fors, the same pay-fors, more than 20 times on different bills; just this week, the same pay-for on two different bills within 24 hours. That's like using your house for collateral over and over and over for different loans, which is called fraud, and they've even used budget gimmicks by directing our own budget office to assume there will be no terrorist attacks for the next 5 years so they can avoid their own PAYGO rules.

PAYGO, the way it is working this year is a sham. A sham. Being lectured on fiscal irresponsibility by this Democratic Congress is like being lectured on parenting by Britney Spears; it makes no sense at all.

What we need to do is sit down together and find a way to cut this budget.

Mr. NEAL of Massachusetts. Madam Speaker, let me clear up what the gentleman said as the Democrat he quoted previously. They have decided to borrow the money for Iraq, almost all $800 billion of it on the Republican side, $800 billion.

Madam Speaker, at this time I yield 1 minute to a leader in the Blue Dog Coalition, a friend, and on this issue in particular I think a voice of great reason, the gentleman from Florida (Mr. BOYD).

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

Mr. BOYD of Florida. Madam Speaker, I thank my friend Mr. NEAL for yielding.

And let's be clear that the passage of this suspension of the rules abandons our commitment to fiscal responsibility and waives the PAYGO rules that were put in place by this Democratic majority back in January. And the blame lays squarely at the feet, Madam Speaker, of my colleagues on the other side of the aisle and those in the United States Senate who, at the behest of the President, have blocked all attempts for this Congress to responsibly pay, responsibly pay for an AMT fix.

It is a sad, sad day, Madam Speaker, and it's a strong testament to how far we have gotten off track as a United States Government.

The Republicans are expected to vote almost unanimously for the rule that waives PAYGO. It is abundantly clear that they have chosen to abandon fiscal responsibility.

Madam Speaker, the Blue Dogs are standing firm on PAYGO, and in the coming year we will continue to fight for what's right, for a Congress that pays its bills and for strict adherence to the PAYGO rules.

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

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

I was in my office and I heard the distinguished majority leader talk about personal responsibility and how we've got to get this deficit and this debt under control.

Personal responsibility begins with personal responsibility. There's an article that ran a couple of weeks in the Washington Post that mentioned one Member, who shall remain nameless, tucked in $96 million worth of pet projects into next year's Federal budget, almost all of which is in today's bill that we will deal with.

Included in that was an earmark for a group called InTune. When asked what they would do with the grant, they said it might be music camps, it might be lessons, it might be how to be a DJ, it might be how to create a television show. The last earmark that this group got was spent on lesson plans for funk music.

This is not personal responsibility. Were there not earmarks in this bill, we would likely have a continuing resolution that would fund at last year's levels, and we could start to get a grip on this debt and deficit that we have.

Mr. NEAL of Massachusetts. Madam Speaker, there isn't an economist in this town who would argue that the reason that the Federal deficit and debt has exploded is because of earmarks.

With that, I'd like to introduce the gentleman from Arkansas, a leader in the Blue Dog Coalition and a champion on the AMT issue, the gentleman from Arkansas (Mr. ROSS) for 1 minute.

Mr. ROSS. Madam Speaker, this Democratic House has voted twice in a fiscally responsible manner to provide this tax relief which I voted for. Unfortunately, Senate and House Republicans have sadly chosen to side with protecting tax cheats and their offshore accounts instead of siding with 23 million working families and providing them with the tax relief they deserve.

Abandoning our commitment to the fiscal responsibility and passing an AMT bill that is not paid for leaves our children to foot the bill to the tune of some $80 billion.

It is morally wrong to continue to borrow money from China and to rob the Social Security trust fund to fund our domestic needs here at home. This vote today will do just that, a vote forced on us by Senate Republicans.

I urge my colleagues to vote ''no'' on this Republican tax increase on our children, grandchildren and future generations.

PARLIAMENTARY INQUIRY

Mr. RYAN of Wisconsin. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RYAN of Wisconsin. When a Member makes a motion to suspend the rules pursuant to clause 1 of rule XIV, is clause 10 of rule XXI, the PAYGO rule, suspended and thereby waived?

The SPEAKER pro tempore. The motion to suspend waives all rules.

Mr. RYAN of Wisconsin. Does the motion to suspend waive the PAYGO rule as well, then?

The SPEAKER pro tempore. The motion to suspend waives all rules.

Mr. RYAN of Wisconsin. Including PAYGO?

The SPEAKER pro tempore. All rules.

□ 1545

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, Republicans have come to the floor this afternoon to prevent a huge Democrat tax increase from taking place on millions of working families across America.

Democrats have come to the floor to pay for their tax increase with yet another tax increase.

Now, Madam Speaker, they call it the PAYGO rule. It fits nicely on a bumper sticker. Now, supposedly it means if you increase spending here or you have tax relief there, somehow you pay for it. But when I look at the budget, I see that Medicare has grown by almost 9 percent. They didn't pay for that. It was exempt. I saw Medicaid grow almost 8 percent. That was exempt from their PAYGO rule. Social Security increased 5½ percent. That was exempt from their PAYGO rule. Discretionary spending, 38 percent of the budget, well, PAYGO doesn't apply to that, either. And now they bring a 1-year AMT delay bill that's also exempt from their PAYGO rule.

This proves that the Democrats' PAYGO rule has gone from a fig leaf to no leaf. Let's reject it.

Mr. NEAL of Massachusetts. Madam Speaker, I would like to at this time yield 1 minute to the gentlewoman from South Dakota, a leader in the Blue Dog Coalition (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentleman, the distinguished chairman, for yielding.

Madam Speaker, throughout the year the House has made great strides and has made tough choices, beginning the difficult work of getting the Nation's fiscal house in order. The Blue Dog Coalition has worked closely with our colleagues to draft fiscally responsible legislation that complied with PAYGO rules that the new majority put in place at the beginning of this Congress, rules the minority rejected for the past 6 years.

I commend the Speaker and the majority leader for their firm commitment to fiscal discipline. Under their leadership and that of the Ways and Means Committee, this House voted twice to provide AMT relief for 23 million families without burdening future generations with more debt.

Madam Speaker, there can be no mistake as to why the House is faced today with effectively waiving PAYGO for AMT relief: the bad habits of my colleagues in the minority who would continue to use borrowed money to provide the relief, thereby raising taxes in the form of interest payments, and the obstructionism and the lack of fiscal responsibility of the minority in the U.S. Senate. They would prefer to protect those who evade taxes even when the cost of that protection is to further mortgage the future of our children and grandchildren.

For these reasons and others, I urge my colleagues to vote ''no'' on the Senate amendment on behalf of the children in our lives and the children in our districts.

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

Mr. NEAL of Massachusetts. Madam Speaker, I yield 2 minutes to the distinguished chairman of the Ways and Means Committee, who has been a leader on this issue from day one, and his leadership on AMT, I think, has brought about a reformed opinion here on how it ought to be handled, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Madam Speaker, at the end of this day, notwithstanding the philosophical arguments that we have exchanged on this floor and whatever they do in the other body, the American people and taxpayers are going to ask the question, Did this Congress deliberately allow a $50 billion tax burden to fall on their shoulders? And we have to be in the position to say we have a long way to go in getting our tax reform straight. But it would be just so totally unfair for people to say that because of our differences of opinion that on this close to Christmas Day, we have blessed them with billions of dollars of a tax burden that they should not have.

It was the Congress that allowed this to go forward in 1969 without fixing it for indexing. And I hope it will be this Congress that would say that we remove this burden.

I do really hope that even though this President has only 1 year left in his term of office that somewhere, maybe the Treasury Secretary, maybe the Republican leadership, that they might come forward with any plan or some plan to remove the alternative minimum tax. And even though we know it's going to cost over $800 billion or maybe $1 trillion, I just hope that maybe next year that it's not smoke and mirrors and we didn't intend to tax in the first place, but we either cut programs or raise the revenue but, for God's sake, not only do the right thing for our taxpayers that are out there today wondering what we are going to do, but for those taxpayers that decades from now after many of us have gone, they'll ask the question, Why did you burden us with this load? Why did you have us to have to pay this indebtedness to Japan, to China? And why didn't you do the right thing?

Mr. MCCRERY. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia, a member of the Ways and Means Committee (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman for yielding.

Madam Speaker, I think what we are hearing across the country today is a collective sigh of relief on the part of tens of millions of American families who now will not be subjected to an over $3,000 tax increase this year. This is real relief for real people and real families to compensate for a flagging economy and the soaring cost of living.

Yet with the economic anxiety gripping this country, it is just astounding to me that it took so long to bring a clean AMT bill to the floor. As the majority's concession makes clear, this was the wrong time to raise taxes on the American people. The government never intended to collect the AMT revenue from the 21 million American families who this year would have fallen under the AMT net.

So the horror stories that we continue to hear all year long about increasing the deficit was thus only smoke and mirrors for a desire to raise taxes. And thank goodness we are here today because passage of this bill is vindication for those of us who refuse to cave in to tax-and-spend onslaught, and it is my only wish that this day had come sooner.

Mr. NEAL of Massachusetts. Madam Speaker, I reserve the balance of my time, and I might inquire at this time as to how the minority intends to proceed.

The SPEAKER pro tempore. The gentleman from Louisiana has 1 minute remaining.

Mr. MCCRERY. Madam Speaker, I have one speaker remaining and I will yield to him, the distinguished gentleman from California (Mr. CAMPBELL), the entire 1 minute.

Mr. CAMPBELL of California. I thank the gentleman for yielding.

Madam Speaker, I support this bill today, which is going to leave taxes alone.

And understand that's all it's going to do. It is not cutting taxes on anyone. It's just leaving them where they are.

But yet to do this, the majority Democrats are going to violate their own vaunted PAYGO rule. And I would argue that PAYGO was just a sham to begin with. I mean, you can add $40 million more than last year to the budget. You can add $10 billion more here, $20 billion more there, and you don't have to pay for that. But to leave somebody's taxes alone, somehow you in theory were going to pay for it. But today that's a sham that, even as a sham, the Democrats haven't been able to keep. It goes from a sham to a double sham.

The lesson here is clear: You can balance budgets by holding down spending, and that's what we ought to do.

Mr. NEAL of Massachusetts. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. NEAL of Massachusetts. Madam Speaker, I'm here in reluctant support of this legislation. In this process of governing, you oftentimes reach a difficult intersection. Sometimes you do not have the luxury of either supporting a bill you like or opposing a bill that you don't like. Sometimes you have to support a bill that you do not like simply because it has to be done. And that is the crossroads at which we find ourselves today.

We have sent to the Senate what was possibly the easiest of offsets: closing a loophole so that wealthy hedge fund managers cannot hide money in offshore accounts. But the Senate minority joined by the President and a group

here in the House of Representatives have rejected on theological grounds any provision that raises revenue.

Some 160,000 troops are in Iraq, 26,000 in Afghanistan, and at some point we're going to have to pay for these wars. We are borrowing $2 billion every 7 days to fund the war in Iraq, and that's a bill our children and grandchildren will have to pay. And yet, and yet, we cannot ask the hedge fund managers to stop hiding money in offshore accounts. That's what this debate is about and has been. They are hiding money, scheming to avoid taxes in offshore accounts.

I support this bill in front of us today. We need to protect 23 million working families from being hit by higher taxes via the alternative minimum tax. But without fiscal responsibility here, and we've abandoned it when it comes to the alternative minimum tax and closing down an offshore tax haven, we have little choice.

Madam Speaker, I urge adoption of the resolution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today with great disappointment that the intransigence of the President and the minority in the Senate has presented us with only bad options to fix the AMT. If we do nothing, this bad tax is going to affect families it was never supposed to affect. The bill forces us to choose between saddling middle class families in New Mexico with additional tax burdens under the AMT and saddling our grandchildren with debt because of the fiscal irresponsibility of past Congresses.

Twice this year the House has done right by middle class families, fixing the AMT and paying for the fix by closing two different tax loopholes that allow some of the wealthiest in the Nation avoid income taxes. The minority in the Senate, unfortunately, spurred by the President whom they continue to follow in lockstep, blocked both of those commonsense efforts because they don't represent the middle class.

So we find ourselves in the predicament we face today. I do not believe that middle class families in my state should be penalized for the poor choices and fiscal irresponsibility of the minority in the Senate and the stubbornness of the President, and I reluctantly support this bill.

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill—as I did for a similar measure last month—because of the urgent need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

But I do so with some reluctance, because unlike the versions of the legislation previously passed by the House, this version reflects the inability of the Senate to bring itself to make the legislation fiscally responsible.

As changed by the Senate, this bill does not even attempt to offset the costs of changing the AMT.

I still think that should not be our first choice, because for too long the Bush Administration and its allies in Congress have followed that course—their view, in the words of Vice President CHENEY, has been that "deficits don't matter."

I disagree. I think deficits do matter, because they result in one of the worst taxes—the "debt tax," the big national debt that must be repaid, with interest, by future generations. I think to ignore that is irresponsible and falls short of the standard to which we, as trustees for future generations, should hold ourselves.

But, as of today we are left with no choice except to vote to protect middle-class taxpayers, or to insist on making them pay the price for the stubbornness of others.

So, I will vote for this bill today, without enthusiasm but with determination to continue working for greater fiscal responsibility when the House reconvenes next year.

Mr. COSTA. Madam Speaker, I rise to urge the House to defeat the rule as well as the AMT fix bill.

Legislation before us violates the promises we made to American people in January. We knew in January that complying with PAYGO would not be easy, but up until today, we've fulfilled our commitment.

In passing this legislation, we are merely again borrowing from China to pay for a short-term fix that needs a long-term solution. This administration has run up $5.6 trillion in debt over the last 6 years of irresponsible fiscal policy. How much debt passed on to our children is enough? Enough is enough.

PAYGO was to be one of the most important reforms we pledged, and today we are now becoming part of that problem by adding to the already $30,000 in federal debt for every man, woman and child in our country.

For decades, Republicans have preached the gospel of fiscal discipline and balanced budgets. When and how has that notion gotten lost? We should stay here until New Year's if we have to in order to find a way to offset the less revenue that will be going to the Treasury.

I support fixing the AMT problem, both in the short run and long term, but the issue is whether we are responsible or irresponsible legislators.

Mr. HOLT. Madam Speaker, the Alternative Minimum Tax (AMT) was originally enacted in 1969 to ensure that the wealthiest Americans paid at least some income taxes—like everybody else. Before the AMT, the richest Americans could unfairly dodge their taxes by using deductions to sidestep their social obligations. However, what began at the end of the Johnson administration as an attempt to guarantee that the top few hundred Americans pay their fair share of taxes—has not been indexed for inflation and as a result has slowly morphed into a middle-class tax hike.

More families in Central New Jersey are affected by the AMT than anywhere else in the country. Currently 33,292 of my constituents are hit by the AMT and this number will increase to 121,503 if we do not take action today.

Madam Speaker, I believe that this bill should have been paid for. I voted twice now for appropriate offsets to ensure that we keep our promise to the American people that we will not continue to spend money that this Congress does not have. We can not continue to borrow money from China and other countries in order to pay for the choices we make today. It is our children and grandchildren that will be forced to pay this debt around the world. Unfortunately President Bush and the Republicans in the Senate refuse to worry about the costs of this bill and the effect it will have on the next generation. I will continue to support my colleagues in making sure increase in spending or cuts in taxes are paid for and that next year we find an offset so that we do not pass this debt to the future generations.

However, with the prospect of having an additional 88,211 of my constituents pay the AMT, I believe we must move today to enact an AMT fix. We cannot make the middle class pay for the failures of the administration. I urge all my colleagues to support this important tax reform that will help middle class families from unfair tax burden.

Mr. LANGEVIN. Madam Speaker, I rise today in support of the Temporary Tax Relief Act (H.R. 3996), which will provide tax relief for hard-working, middle-class Americans. However, while I strongly support shielding these taxpayers from the Alternative Minimum Tax, I am deeply disappointed that our efforts to pay for this fix now, rather than charging it to future generations, have been blocked.

Congress first enacted the alternative minimum tax (AMT) in 1969 to ensure that 155 wealthy taxpayers paid their fair share of the federal income tax. But because the tax was not indexed for inflation, it has since become outdated and unfair. Without a fix, this year over 23 million Americans—and 75,000 Rhode Islanders—would be forced to pay nearly $2,000 in additional taxes to which they were never intended to be subjected. Today's bill will provide a one-year patch to prevent these middle-class Americans from being caught in the ever widening-net of the AMT.

While everyone agrees that AMT relief must be passed swiftly, I am concerned with the circumstances under which this bill is being considered. Just two months ago the House of Representatives passed a fiscally responsible measure that fully complied with pay-as-you-go (PAYGO) rules. In fact, I was proud to vote twice for legislation that provided for the necessary AMT relief and was fully paid for. Unfortunately, Republican obstructionism has forced us to consider a measure that will add $50 billion to the national debt. Fixing the AMT is important, and taxpayers should not suffer the consequences of political games. What saddens me is that there was an easy way to accomplish this goal without adding to the deficit, and we chose to ignore it.

I am also disappointed that this measure provides only temporary relief rather than presenting a long-term sustainable solution. We must develop a more permanent and fiscally responsible solution to the AMT, as it will continue to affect an increasing number of taxpayers in future years.

I would like to thank Chairman RANGEL for his leadership in bringing this measure to the floor, and for his valiant efforts to follow a more fiscally responsible course. I am hopeful that as we continue to debate national tax policy, we will develop permanent solution to the AMT issue which does not place the burden of paying for it on our future generations.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, today I am voting against H.R. 3996, a bill adjusting the Alternative Minimum Tax. While the bill helps some middle class families, it does so at the expense of expanding our national debt and burdening the next generation with the cost of paying for it. I voted for the original version of this bill that came before the House earlier this fall because it was fiscally responsible. It brought relief to middle class families in a budget-neutral way by closing tax loopholes for hedge fund

managers and corporate CEOs who shield their income off-shore. Unfortunately, the Senate stripped out the provisions that would replace the revenue lost through this AMT adjustment, so I cannot in good conscience support it.

The AMT was originally enacted to ensure that high income taxpayers pay at least a minimum amount of federal taxes. It prevents individuals from taking unfair advantage of the various preferences and incentives under the regular income tax and reducing their income tax liability below what we as a society consider an appropriate tax contribution given their wealth. The reckless tax policies advanced by President Bush during the past 6 years further complicated the way the AMT is applied. As a result, it will affect around 20 million families next year, many of whom the AMT was not originally intended to reach.

Reforming the AMT is warranted, and that's why I voted for this bill when it was paid for. Now we have a $50 billion give-away that's not paid for. Instead, it will increase our national debt, a debt financed by China and other nations. And the next generation—our children and grandchildren—will be stuck paying China back instead of investing in America. That's wrong. I believe that we must adhere to the pay-as-you-go rules that this House adopted at the beginning of the year. Just as a family has to balance its checkbook, the federal government must do the same. A federal government that is not fiscally sound cannot make the necessary investments we need in education, health care, housing, defense, homeland security, and other national priorities.

Mr. MAHONEY of Florida. Madam Speaker, I rise to express my concerns with H.R. 3996, the Tax Increase Prevention Act of 2007. Today, the American people were offered a false choice—tax families today or tax their children in the future.

This year the House of Representatives has twice passed alternative minimum tax relief bills intended to provide more than 23 million American's with tax relief. These two previous pieces of legislation were fiscally responsible. By closing tax loopholes, the House of Representatives sought to ensure that we did not pass the cost of this temporary fix along to our children and grandchildren.

Let me be clear. With passage of this bill tonight, President Bush and the Republicans have decided to mortgage our children's future and add to the national debt.

I will reluctantly vote for this legislation because without an AMT fix, more than 46,500 people in the 16th Congressional District of Florida will be burdened with a tax increase. These are hardworking families already struggling with skyrocketing property taxes, staggering homeowners insurance premiums, rising mortgage payments and out of control gas prices. These are seniors already forced to choose between purchasing life saving medications and putting food on the table. Simply stated, my constituents do not need the burden of an additional tax increase.

In closing, I call upon the House of Representatives to return to fiscal responsibility and Pay As You Go rules. Like many of my fellow Blue Dog colleagues, I believe we have a moral obligation not to pass our debt along to future generations.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 3996, Tax Increase Prevention Act of 2007 and urge my colleagues to join me in voting for its passage.

This bill provides tax relief for millions of Americans by raising the exemption amounts on the Alternative Minimum Tax, and ensuring that no new taxpayers would be subject to this higher rate. H.R. 3996 would prevent a tax increase on 21 million taxpayers when they file their 2007 tax returns. The Alternative Minimum Tax was originally enacted to prevent only the very wealthiest of Americans from avoiding income tax payment. However, over the years its reach has grown to affect more and more middle income taxpayers, and estimates show that as many as 30 million taxpayers would be ensnared by this higher tax rate by 2010. This bill will spare over 15,000 people in my district alone, from paying the Alternative Minimum Tax. As a part-time farmer and a former small business owner, I know the crucial importance of this sector to the economy as a whole. I support tax relief for the middle class workers and families who help drive our economy.

However, I am concerned that this bill does not include an offset and is not budget-neutral. I am strongly in favor of providing tax relief to millions of Americans, but we need to address this problem in a responsible way that maintains the integrity of our budget, and avoids adding to the budget deficit and our national debt. As a member of the House Budget Committee, I am hopeful that we can address the Alternative Minimum Tax issue further when Congress returns in the new year.

Mr. HALL of New York. Madam Speaker, the nineteenth district of New York is one of the districts in this country most affected by the AMT. Last year over 30,000 families in my district paid AMT. I wish we had the support in both the majority, and the minority, that we need to advance the major tax reform necessary to prevent the AMT from unfairly penalizing thousands of families in the Hudson Valley. The ''patch'' legislation that we considered today is the best legislation that we can pass at this time to prevent more families from being impacted by the AMT, and will ensure that an additional 70,000 families in my district alone will not be hit next year by the AMT.

I am proud that the Democratic Majority in the House of Representatives has twice passed a responsible AMT patch; offsetting the $50 billion in lost revenue from the AMT by eliminating tax loopholes for some of the richest people in the country, who choose to use offshore tax havens to avoid paying their fair share of taxes. However, neither the President nor his allies in Congress are fiscally responsible. They will not accept any legislation that acts responsibly by ensuring that the cost of protecting working families from the AMT will not be borne by their grandchildren. I believe I was elected to Congress last year to help restore fiscal integrity to the Federal Government, and I stand by the numerous votes I have cast in support of a responsible Pay-Go system.

Although I am deeply disappointed that we will not be able to pass a version of AMT reform with a revenue offset this year. I am unwilling to let working families in my district suffer as a result of the President and the minority in Congress. That is why, despite its obvious inadequacies, I feel that I must support this bill. I am disappointed that we were forced to pass this bill by borrowing the resources to do so. As Congress continues its work in the future, I am committed to working to make sure our government operates within its means and respects the principle of fiscal responsibility.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 3996, legislation that will provide critical tax relief to millions of middle class Americans. I support the Democratic majority's commitment to passing sensible legislation that will provide a solution to the looming Alternative Minimum Tax crisis. I am disappointed that President Bush and the Republican minority have opposed our efforts on this matter every step of the way. If this bill is not signed by the President, more than 60,000 families which I have the honor of representing here in the House will be required to pay the AMT when filing their 2007 return—an increase of almost 1000 percent since 2005.

I also support the Democratic majority's continuing commitment to responsible fiscal policies. Last week when the House passed AMT relief, it was paid for by closing tax loopholes that allow hedge fund managers and corporate CEOs to use offshore tax havens as unlimited retirement accounts. Unfortunately, the President and our Republican colleagues in the Senate once again sided with a few of the wealthiest individuals over millions of middle class American families. This speaks volumes about their misplaced priorities, and we are left with an AMT bill that does not meet paygo rules. However, I understand Chairman RANGEL—for whom I have the utmost respect—has committed to finding an offset for this fix next year as he continues to find a permanent solution to the AMT crisis.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the importance of patching the Alternative Minimum Tax (AMT) this year. Although it would have been my strong preference to pay for the middle class tax relief we are providing today, I do not believe we should penalize 23 million Americans for the Republican party's fiscal irresponsibility and intransigence.

Throughout this debate, we have demonstrated that it is possible to provide important tax relief in a fiscally responsible manner. Unfortunately, the White House and an obstructionist minority in the other chamber have blocked these efforts. That obstruction is regrettable. But it must not be permitted to create an additional liability for millions of middle class Americans the AMT was never intended to burden.

Madam Speaker, the hour is late. The need is clear. I urge my colleagues' support.

Mr. SPRATT. Madam Speaker, the Alternative Minimum Tax was not meant for middle-income Americans, and here in the House, we, as Democrats, have proposed and twice passed legislation that would prevent the AMT from coming down on 23 million taxpayers for whom it was never intended, without increasing the deficit. That's important to us as Democrats, which is why we believe in the Pay-Go principle. Last month, we passed a bill showing that you can patch the AMT, comply with Pay-Go, and not add to the deficit or to the tax burden of middle-income Americans.

We were not the only one proposing such a solution. In February 2006, the Director of OMB, Josh Bolten, testified that the Bush Administration believed the AMT ''can be corrected in the context of overall revenue neutral tax reform.'' In February 2007, OMB Director Rob Portman said: ''Our budget assumes that

we will have a revenue neutral correction to AMT.'' And in March 2007, Hank Paulson told us the same.

But what the Bush administration proposed, they have not supported. Their counterparts in Congress voted down in the Senate an AMT fix consistent with Pay-Go, and forced the issue before us, an AMT patch that works for one year, but adds $50 billion to the deficit.

We all agree that we must stop the AMT from coming down on 23 million middle-income taxpayers. That's why I and most of this House voted twice to fix the AMT the right way, the way the Bush administration once itself supported, with offsets that kept the fix from worsening the deficit.

As chairman of the Budget Committee, I proposed an alternative idea, consistent with Pay-Go. What I proposed was that we postpone designation of the offsets necessary to keep this bill deficit-neutral until such time as we dealt with extension of expired or expiring tax deductions, such as the research and experimentation tax credit. At that point, we would require that the offsets for this bill be passed before any such deductions, credits, exemptions, or preferences be extended.

This idea won support among many of my caucus, including our leadership, but in the end, not enough support to warrant its being offered. I regret that it was not, but I would remind everyone that this bill only buys one year of absolution. The same issue, the impact of the AMT on middle-income taxpayers, will have to be addressed again within months as we prepare and implement the budget resolution for fiscal year 2009. I hope we take a page from this year's experience and fix the AMT the right way next year, without impacting middle-income taxpayers, but also without impacting the deficit.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3996.

The question was taken.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend on H.R. 3996 will be followed by 5-minute votes on the motion to suspend on S. 2499 and the motion to suspend on H.R. 4040.

The vote was taken by electronic device, and there were—yeas 352, nays 64, not voting 17, as follows:

[Roll No. 1183]

YEAS—352

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carter
Castle
Chabot
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Courtney
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—64

Andrews
Baird
Becerra
Berry
Boyd (FL)
Boyda (KS)
Butterfield
Capps
Capuano
Cardoza
Castor
Chandler
Clyburn
Cooper
Costa
Costello
Cramer
Cuellar
Davis, Lincoln
DeFazio
Delahunt
Doggett
Emanuel
Gordon
Green, Gene
Gutierrez
Harman
Herseth Sandlin
Hill
Hoyer
Kanjorski
Kind
Larsen (WA)
Larson (CT)
Matheson
McCollum (MN)
McDermott
Meek (FL)
Melancon
Michaud
Miller, George
Moore (KS)
Moran (VA)
Murphy, Patrick
Obey
Pelosi
Peterson (MN)
Price (NC)
Ross
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Sherman
Shuler
Smith (WA)
Stark
Stupak
Tanner
Taylor
Walz (MN)
Watt
Waxman
Welch (VT)

NOT VOTING—17

Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

□ 1619

Messrs. BECERRA, GUTIERREZ, BUTTERFIELD, CLYBURN, and WAXMAN, and Ms. MCCOLLUM of Minnesota changed their vote from ''yea'' to ''nay.''

Mr. KAGEN and Ms. LEE changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING JIM OLIVER ON HIS RETIREMENT FROM THE HOUSE

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

Mr. BOEHNER. Mr. Speaker, we are very fortunate, as Members of Congress, to rely on the services of so many dedicated staffers who help all of us get our job done and keep this process here moving. One of those staffers is someone who I think is familiar to Members on both sides of the aisle.

Jim Oliver is the assistant manager of the Republican cloakroom. He has served in that position for some 21 years. He served for 30 years as an employee of the House, having first come here 40 years ago as a page.

Jim, as we all know, is a solid professional. He is patient, he is humble, and he always seems to have the right answer no matter what the question is.

But the most interesting thing about Jim, and something that I know we will all miss, is his deep love of this institution. He has a deep and long understanding of the history of this Chamber, and he is an expert on the history of the page program and the Congressional Cemetery.

We are all going to miss Jim. We are going to miss his dry sense of humor and the institutional knowledge that he helps pass on to all of us.

We wish him well, and we wish him many years of success and happiness in his retirement.

Jim, job well done.

And, Mr. Speaker and my colleagues, if I could take 10 seconds more to wish all of you a very merry Christmas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Without objection, 5-minute voting will continue.

There was no objection.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2499, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2499.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 18, as follows:

[Roll No. 1184]

YEAS—411

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

NAYS—3

Cannon
Flake
Tancredo

NOT VOTING—18

Boyd (FL)
Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1630

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOYD of Florida. Mr. Speaker, on roll-call No. 1184, I was unable to vote. Had I been present, I would have voted "yea."

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4040, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 1185]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Brown-Waite, Ginny
Capps
Cubin
Gilchrest
Gohmert
Hastings (FL)
Honda
Hooley
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kucinich
McNulty
Miller, Gary
Neal (MA)
Ortiz
Pastor
Paul
Rangel
Saxton
Thompson (CA)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1636

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 1185, I inserted my card to vote but did not check it. Apparently it did not register my vote. Had my card worked, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. BOOZMAN. Mr. Speaker, I would like to ask unanimous consent to withdraw my name as a cosponsor of H.R. 1201.

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

There was no objection.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 1, line 2, strike "adjourns" and insert in lieu thereof "recesses or adjourns".

Page 1, line 6, strike "or until the time of any reassembly pursuant to section 3 of this concurrent resolution" and insert in lieu thereof "or until such day and time as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first".

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL NOON, JANUARY 3, 2008 TO FILE REPORT ON H.R. 3524, HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee On Financial Services have until noon on January 3, 2008, to file a report on H.R. 3524.

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

There was no objection.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 893, I call up the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

Page 1431, line 15, of the House engrossed amendments to the Senate amendment to the text of the bill, strike division L and insert:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILIARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $782,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $138,037,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $35,152,370,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,664,000,000: Provided, That up to $110,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,965,638,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $4,778,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,116,950,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $46,153,000.

OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,133,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $327,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $51,634,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,350,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $4,269,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees:

Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

TITLE III—PROCUREMENT

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $943,600,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,027,800,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $91,481,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $274,743,000, to remain available for obligation until September 30, 2010.

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of ''Defense Working Capital Funds'', $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $575,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $192,601,000.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 601. Appropriations provided in this division are available for obligation until September 30, 2008, unless otherwise so provided in this division.

SEC. 602. Notwithstanding any other provision of law or of this division, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this division: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this division, or made available by the transfer of funds in or pursuant to this division, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this division may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this division to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this division may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this division is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this division may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this division may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this division, the term ''congressional defense committees'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This division may be cited as the ''Emergency Supplemental Appropriations Act for Defense, 2008''.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 893, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 2764.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, before I get to the matter at hand, I would like to, as the minority leader did just a moment ago, I would like to take special note of the fact that the Appropriations Committee in the House is losing a highly valuable member of our staff.

David Morrison has served the Appropriations Committee and the Defense Appropriations Subcommittee with distinction for a number of years. I know I have certainly come to rely on him for many things, and I know the gentleman from Pennsylvania, Mr. MURTHA, has certainly heavily relied on him as well. I hesitate to point out that before he served the Appropriations Committee in the House, he had an errant career. He spent part of that career at the Office of Management and Budget, and he spent another portion of that career in the other body. Despite that fact, he has recovered very well, and he has served us extremely well in the House. We hate to see him leave, and I think we all owe him a round of applause.

Mr. Speaker, I don't want to take much time. I know people want to leave. Let me explain the procedure that is being followed. I have a ministerial duty to call up this Senate amendment, even though I intend to vote against it.

As the House I think understands, yesterday the House considered an omnibus appropriation bill, and what we did was to consider two amendments; one amendment related to the domestic funding for the bill, and the other amendment related to funding for Afghanistan and for certain force protection items. We sent those two amendments over to the Senate, and the Senate has amended the product in one respect. They have substituted for the $30 billion that we sent to the Senate for Afghanistan and for force protection items, they have substituted $70 billion, and sent it back to the House.

I have an obligation to allow the House to work its will on this matter, even though I suspect I am going to disagree with the result of this action.

□ 1645

In my view, when we sent legislation over to the Senate 3 weeks ago, that legislation provided for $50 billion for the purpose of helping to shut down the war by establishing a timeline, by requiring that all agencies of the Federal Government adhere to the U.S. Army Manual with respect to torture, and would also require that every unit be militarily ready to perform its duties. That is still sitting in the Senate. In my view, all that we had to do to deal with the so-called shortfall that the White House has been talking about is for the President to sign that bill with those conditions. The White House has blocked that legislation in the Senate, and so we have come to this.

Members will vote however they choose. I intend to vote ''no,'' but this is an individual vote of conscience.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, in the last several days we have said all that we perhaps need to say about the omnibus. We have discussed every inch of it. We all know about the amendment on the Senate side. And, because of that, I am going to give up my 20-minute speech.

I would like to take just a moment nonetheless to ask the Members to join me in paying a very special tribute to one of the most beloved and respected staffers on Capitol Hill.

After 3 years as my staff director, Frank Cushing is leaving the committee at the end of the year to pursue other opportunities. With more than 25 years of Capitol Hill experience, Frank leaves behind a record of integrity and service that few can match.

I got to know Frank in 1995 when he served as my clerk on the House VA-HUD subcommittee of appropriations, a position he held until 2003. In very little time, I saw that Frank was one of those rare staffers who not only loves and respects this institution, but he in turn is respected and trusted by Members on both sides of the aisle.

Prior to his service in the House, Frank held numerous positions in the Senate, including staff director, both majority and minority, of the Committee on Energy and Natural Resources, and clerk of the Interior Appropriations Subcommittee. More than one professional on both sides of the aisle have said to me, and I would quote them, ''You are fortunate if you have been trained in this business by Frank Cushing.''

Frank, we are going to miss you. We want you to know that, as we express our love for you and for Amy, the entire body wishes you well and wishes your family Godspeed. Thanks, Frank.

Mr. Speaker, we are now just 6 days away from the Christmas holidays. I know the Members and staff are eager to get home to their families so I intend to be very brief in my remarks today.

The House is considering a yearend omnibus spending package that, I must confess, is a much better product than what we considered Monday evening. I reluctantly opposed

both amendments passed by the House 2 days ago because they failed to provide for our troops in harm's way in Iraq. Fortunately, the Senate has now addressed this oversight. The Omnibus returns to the House a much better and complete bill.

Because this spending package adheres to the President's top line on spending, and it contains funding for our men and women in uniform in both Iraq and Afghanistan, I intend to support this legislation. And, I'm pleased to say that all indications are that the President will sign it.

Before concluding my remarks, I want to thank Chairman OBEY and the fine committee staff for their tireless efforts this year. Few people realize the tremendous amount of work that goes into the appropriations process each year.

The Appropriations Committee is the workhorse committee. Chairman OBEY and our staff have worked very long hours to produce this legislation, and they deserve our gratitude. DAVID, it is time for you to go home to Wisconsin and for me to go to California for a few weeks. It's time to let the staff catch up on some long overdue family time for the holidays.

Mr. Speaker, I am going to take almost no more time except to recognize a couple of my colleagues for unanimous-consent requests.

I first recognize the gentleman from Florida, my chairman of the Appropriations Committee, BILL YOUNG.

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

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of the amendment to provide funding for our troops in Iraq and Afghanistan.

These funds should have been provided much earlier this year. They are vital if we are to ensure that our troops have the support they need until enactment of a full-year supplemental appropriations bill for the Global War on Terror.

As I've said before, engaging in a debate on war policy is a legitimate and proper role for the Congress. However, we should never put ourselves in the position of threatening funding for our troops in the field. They deserve our full, unrestricted support.

With passage of this amendment, both the Army and the Marine Corps will have the funds they need to continue war operations for the first half of fiscal year 2008. However, we need to move quickly next year to provide full funding for our soldiers and marines, and for all our men and women in uniform. Let's not hold them hostage to Congressional debates ever again.

In conclusion, I strongly support this amendment and urge that it be adopted by the House. Then we can truly wish all our military a Merry Christmas and a Happy New Year.

Mr. LEWIS of California. Mr. Speaker, I recognize the gentleman from Mississippi (Mr. WICKER) for a unanimous-consent request.

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

Mr. WICKER. Mr. Speaker, I too rise in strong support of the amendment, thanking my subcommittee chairman, Mr. EDWARDS, for his kind remarks about me 2 days ago and about the staff, expressing regret that we couldn't have done the MilCon-VA bill earlier.

Mr. Speaker, allow me to say a word or two about the Military Construction and Veterans Affairs portion of this omnibus bill. When the legislation was before the House earlier this week, Chairman EDWARDS was generous in his praise of our majority and minority staff members of the subcommittee. I wholeheartedly echo that sentiment. We have been blessed with a capable and hard-working staff.

Chairman EDWARDS was also kind enough to acknowledge that he and I have worked in partnership on this bill from day one. I want to take this opportunity to return that salute. Mr. EDWARDS sought my input throughout the process, and I am grateful that together with our subcommittee members we have been able to put together a bipartisan product that provides historic increases for our veterans, for our troops, and for the quality of life of current military families. These funds come on top of substantial increases for these accounts during the 12 years when Republicans were in the majority.

I would also gently remind my colleagues that this vital funding has been unnecessarily delayed. We could have moved to conference quickly on this type of funding—in a bipartisan and unifying way. Instead, powers above Mr. EDWARDS' and my pay grades decided to attach the bill to a much more controversial Labor-HHS-Education measure, and there it has sat, now some 80 days into the new fiscal year.

In an attempt to break the logjam, I introduced legislation identical in every respect to the Milcon-VA conference agreement, and every Republican member of this body cosponsored that bill. We could have had funding in the pipeline for family housing, childcare centers, veterans and military construction early on. But the bill was held hostage as leverage for an additional $22 billion in completely unrelated areas.

In the end the ploy did not work. Thankfully we are passing an omnibus bill at roughly the President's level, and the veterans and troops are finally getting a bill. I would simply urge my fellow Members to resist these types of maneuvers in the future. Let's not hold up Milcon and VA spending in an effort to spend more elsewhere.

Having made that point as cordially and charitably as I can and in the spirit of the Christmas season, I again thank and commend my Chairman for allowing me to participate in an excellent bipartisan achievement.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank the gentleman for his leadership and for yielding.

Here we go again, another payment on a war that should not have been fought and an occupation that keeps our young men and women in harm's way. By forcing Congress to tie the fate of spending for critical domestic programs to Iraq funding, this President held these programs hostage just to prop up his failed policy. This is not only shameful, it is unacceptable. The American people want our troops and our contractors home.

A recent CNN poll found that 69 percent of respondents favored withdrawing all of our troops from Iraq. Nearly half believe that our troops should be home in under 1 year.

The only funds that we should be giving this President today should be to protect our troops and our contractors and to bring them home in a safe and timely and orderly fashion, in other words, what we tried to do several weeks ago, and, that is, fully fund the redeployment of our troops and military contractors from Iraq. And we should be using this opportunity to shore up vital programs such as our poverty elimination efforts, vital HIV/AIDS programs, both domestic and international, and providing health care for all, which we tried to do in the Appropriations Committee under Chairman OBEY but which the President, unfortunately, threatened to veto. Now, Congress, this body, once again is complicit in the President's games. And these are war games that he is playing.

Why in the world are we going to put another payment down on this war that should have ended? Actually, it should have never started. So let's vote ''no'' on this. His inflexibility, the President's inflexibility, this House, this body's inflexibility has already cost America too much in terms of lives, in terms of treasure, in terms of our standing in the world, and in terms of our national security.

Mr. LEWIS of California. I reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I would like to commend those who have worked so hard for so long to try and right the wrong of our occupation in Iraq. I would like to thank the leadership for all the attempts that they have made to try and engage people on the opposite side of the aisle and those who don't have enough courage to do the right thing.

We find ourselves here at a moment with an omnibus bill that we have had to support, and many people have many things in the bill that they would like to have back home. I understand that. But in the final analysis, we are never going to end this war until we stop feeding this war with the taxpayers' dollars after they have told us to bring our soldiers home.

I stand here today in support of our soldiers. I support them coming home. Young men and women are dying in Iraq, the victims of IEDs, not even knowing how to protect themselves. And they come home, and we have to struggle to make sure that they are taken care of, that their health care needs are met.

When are we going to come to our senses? We are fighting a war that we never should have been in in the first place. We are fighting a war where we

were told there were weapons of mass destruction and there were none. We are fighting a war where we have contractors who are abusing civilians in Iraq. We have contractors who are stealing the taxpayers' money in Iraq. And yet we continue to nuance this debacle. We continue to say, I didn't understand. I didn't know. Well, let me make it perfectly clear.

There is $70 billion in this bill for Iraq and Afghanistan, and it is fungible. We don't know how much of it is going to be spent where. But don't go away saying, I didn't understand, I didn't know, that is not what I intended to do. There is $70 billion here. If you don't want to continue this war, don't vote for this bill.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank the very distinguished chairman of the Appropriations Committee and the very distinguished chairman of the Defense appropriations subcommittee. Because, over the last 2 years, six times this body has passed responsible limits on the conduct of this war. Six times we have tried to make sense and pass legislation.

What we are about to do now is to give the President a blank check to continue this war until the end of his term, to continue what has gone down in history as the worst foreign policy fiasco in American history. Nobody in their right mind can argue that this war was thoughtfully planned or responsibly executed, and yet we are going to give him a blank check. We will look back on this day and people will ask, why?

Well, I want to thank Mr. OBEY, I want to thank Mr. MURTHA, the Out of Iraq Caucus, and the majority of my colleagues. We did the right thing. History will record that. But this is a very sad day for us. When you think that 4,000 young men and women have given up their lives, tens of thousands seriously wounded. For what? For a nation that will wind up far more loyal to Iran than it will be to the United States, to a nation that in fact is allowing young people to roam the streets with guns and forcing school girls going to school having to wear their veils. A repressive society, what will become a Shiite theocracy.

Sure, there is less violence. But that is because we have ethically cleansed most of Baghdad. There is less violence because the Sunni warlords have taken time off from shooting American soldiers to ridding themselves of al Qaeda in Iraq because Muqtada al-Sadr has decided to take a 6-month hiatus from shooting us. But all of this is going to come back. We see no end in sight. This is a very bad day, and we ought to vote ''no.'' It is the responsible thing to do.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Chairman OBEY, my good friend, for yielding time.

Mr. Speaker, I know there are a lot of good things in this bill, but there is one bad thing. Billions of dollars, more billions of dollars to fund the war in Iraq.

The best present, the best gift we could give to our young men and women in the military during this season of peace and goodwill would be to bring this madness to an end and bring our young people home, and bring them home now. This war was ill-conceived from the beginning. It is a war of choice and not a war of necessity. The time is long overdue. Now is the time to bring this madness to an end.

I said it before and I will say it again. In good conscience, I will not vote for one dollar or one dime to continue this war. The American people are sick and tired of this war and I am tired and sick of this war. It is time to give peace a chance.

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

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

Mr. Speaker, I think that probably no bill that the House will consider this year more aptly demonstrates the divided nature of this Congress and this government than does the bill that is before us right now. People often say there is not a dime's worth of difference between the two political parties. My response, at least on this occasion, is you are absolutely right. At least with respect to this legislation, there is a $40 billion difference between the two parties. Because when you take into account what this Congress did in January when it passed the continuing resolution in January, and if you take into account the money that has been moved from the President's priorities into congressional priorities in this bill, you will see that that amounts to almost $40 billion. It is not as much as I would like, but it certainly is worth the fight.

□ 1700

So I think there is a very big difference between a Congress run by our friends on the other side of the aisle and a Congress run by the now-majority Democratic Party.

But I think there is another significant difference, and that is the way the two parties have approached the war in Iraq. We have tried every way known to man to bring this war to a conclusion. Mr. MURTHA has produced out of his subcommittee time and time again language trying to produce a policy change, and on each occasion, that language has either been vetoed by the President or it has been blocked by the President through the use of his friends in the other body.

So I think it is clear that if the Nation wants a change in direction with respect to this war, it has only two options: Number one is to elect more progressive voices in the United States Senate; second is to elect a President who has a different set of priorities domestically and a different vision for America's involvement in the Middle East and especially in Iraq.

This, in my view, is a conscience vote. As it comes down to us at this point, we have disposed of all of the domestic issues and we have this one remaining issue with respect to Iraq. I would simply say that I think we have provided more than enough money for that war.

I would note that earlier today, just a few moments ago, we had some 64 Members of this House vote against the alternative minimum tax fix because it was not paid for, and it added $50 billion to the debt. I would point out that the document before us will add $70 billion to that debt. And so I would hope that persons who felt it necessary to express their concern about the debt a few moments ago would be willing to do so on this occasion as well.

I would also point out that Mr. MURTHA, Mr. MCGOVERN and I have offered this Congress a way to avoid adding to that debt because we believe that if this war is such a hot idea, then we ought to at least pay for it so we don't shovel yet another bill off on our kids.

It is apparent that this House does not have the will to do that. And so not only do I think this is an unnecessary war, it is also an unnecessary add-on to the national debt.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. As we are closing this down, I would like to join you and use this moment to express my deep appreciation for the fine work in our committee of David Morrison. Thank you.

Mr. OBEY. I thank the gentleman, and I would simply say that I am not going to advise anyone how to vote. This is a conscience vote, in my view.

Mr. DOOLITTLE. Mr. Speaker, I am pleased that 80 days into the fiscal year, the House has passed a budget that remains within the spending limits set by the President and contains essential funding for our soldiers serving in Iraq. Furthermore, I am glad several projects within the Fourth Congressional District are included in the final version of the bill. These projects are important to the people within my district, and will provide essential funding for new highway infrastructures, wastewater treatment facilities, and law enforcement upgrades, as well as other important projects. In addition, I am pleased at what this bill does not contain; harmful policy riders that would have opened the door for American tax dollars to be spent on abortions for citizens of foreign nations, and those that would tie the hands of our military leaders in Iraq.

However, I could not support this legislation due to the harm it causes to the completion of the border fence, which was authorized by Congress in the passage of the Secure Fence Act of 2006. Congress sent a clear message that a border fence should be constructed when it passed the Secure Fence Act. Specifically, it mandated the construction of 700 miles of fence along our southwestern border. Instead of building on this legislation, provisions in the omnibus increase bureaucratic

roadblocks, create new restrictions for the Department of Homeland Security (DHS), and repeal important measures that were signed into law in the 2006 bill.

In particular, a provision in the omnibus gives DHS the discretion on whether or not to build a fence, essentially eliminating the central tenet of the Secure Fence Act, which specifies locations where a fence shall be built. I am also deeply concerned that restrictions included in the omnibus, such as eliminating the authority of DHS to identify additional areas for fencing at the end of 2008 and requiring an onerous analysis of each 15 miles of planned fencing, will essentially end the project before the fence will be completed.

In addition to this harmful language, a provision in the omnibus requires that in locations where a border fence will be constructed, DHS must abide by excessive consultation and reporting requirements, thereby placing further bureaucratic roadblocks in front of an already delayed process. This language will require DHS to consult with other Federal agencies, State and local governments, Indian tribes, and landowners to minimize the impact on the environment, culture, commerce, and quality of life near where the fence will be constructed. However, while requiring this excessive consultation to be completed, this provision gives no guidance as to when the consultation can be determined to be completed and construction can begin.

Americans should not have to sacrifice border security for the passage of the fiscal budget. It is my hope that Congress will readdress this issue when it reconvenes in January and correct these provisions to ensure a border fence will be completed.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to the Senate amendment to the omnibus appropriations bill for an unconditional $70 billion for the war in Iraq. This amendment gives the President a blank check to continue a flawed strategy that has no end in sight. It does nothing to bring home our brave men and women of the armed forces serving faithfully in Iraq, many of them on their third tour of duty in that country, at considerable sacrifice and strain to them and their families. Nor does this amendment place any conditions on the Iraqi government, which has continually failed to pursue political reconciliation. Our intelligence community has publicly concluded that the political situation Iraq is getting worse, not better. Moreover, the indefinite presence of American forces has sadly contributed to Iraq's political stagnation because it has allowed the different factions there to postpone making the difficult compromises necessary to achieve stability and reconciliation. Meanwhile, our men and women of the armed services continue to die every day in Iraq's ongoing civil war. A strategy of more of the same is no strategy at all.

I have and will continue to vote to ensure that our troops in Iraq receive the support and equipment that they need. That is why in November I voted in support of the House measure to provide our troops in Iraq with an additional $50 billion. At the same time, this House legislation required the safe and responsible redeployment of our troops in Iraq. That legislation aimed to transition the U.S. military mission in Iraq. It would redeploy our combat forces out of Iraq by a target date of December 15, 2008. The House proposal, modeled after the approach recommended by the bipartisan Baker-Hamilton Commission of the Iraq Study Group, would focus the remaining forces on the more limited missions of training Iraqi security forces, providing logistical and intelligence support for Iraqi security forces, and engaging in targeted counter-terrorist operations against Al-Qaeda and affiliated groups. The House bill also called for a ''comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.''

Instead of supporting the sensible approach passed by the House, the Senate Republicans, taking their cue from the White House, threatened to filibuster it. Now these same political elements have collaborated in sending us an amendment for more war funding with no accountability and no plan to redeploy our combat forces. This irresponsible approach will have the effect of prolonging the war, not bringing it to an end.

While I am opposed to another blank check for war funding in Iraq, I support continued military operations and reconstruction activities in Afghanistan. Moreover, my opposition to the Senate amendment does not extend to the underlying Omnibus, which—while far from perfect—was at the end of the day the best that we could do this year.

Mr. DICKS. Mr. Speaker, the House of Representatives today is faced with a regrettable decision on the eve of the adjournment of the first session of the 110th Congress. With the appropriations bills that fund the routine operations of all of the departments and agencies of the Federal Government now approved by both Houses of Congress, we are once again being asked to provide additional funding for the ongoing military operations in Iraq and Afghanistan. The House has already expressed its view on this question when we voted on November 14th to approve $50 billion in supplemental defense funding with three very clear and very reasonable conditions: that our troops should be properly trained; that our forces will not use torture when conducting interrogations of enemy combatants; and, that we should establish a goal of redeploying all offensive troops from Iraq by the end of 2008. It would have been easy—and appropriate—for the President to sign the bill that was approved by a majority of the Members of this House and supported by a majority of Americans, rendering the debate we are having today unnecessary. The President has remained stubbornly determined to continue our involvement in Iraq without clearly defining a plan for the eventual re-deployment of our troops, and he has stated his intention to veto any legislation that attempts to change the course he has set.

After more than 4½ years, it is clear that our Nation's involvement in Iraq has cost far too much. It has cost the lives of nearly 3,900 men and women in our military and it has affected the lives of many thousand more who have been seriously wounded—both physically and psychologically. It has cost at least $450 billion in national debt to date, with hundreds of billions more in future costs that will be incurred no matter how quickly we are able to extricate ourselves. It has also seriously diminished our military readiness and our ability to respond to other national security threats. And finally, our initial invasion and our protracted involvement in Iraq has diminished our international prestige and made it more difficult for the United States to exert leadership and influence around the globe.

It is against this backdrop that we in Congress have been working toward a strategy of timely redeployment of our troops that I believe is both militarily appropriate and necessary for encouraging the Iraqi government to assume greater control of the security of the Iraqi people. It was discouraging to me on our visit to Iraq last month led by the Chairman of the Defense Appropriations Subcommittee, Congressman JACK MURTHA, that the Iraqi government has clearly not taken advantage of the improved security climate, brought about largely by the increased numbers of U.S. troops in Iraq during this past year. President Maliki and his government have not taken the steps they pledged to take in national reconciliation, in the distribution of the oil revenues or in several other key benchmarks that were established as indicators of progress.

On the face of it, the provision that has been sent to us by the Senate appears to be strictly about providing funds for the military operations in Iraq and Afghanistan. It is true that these funds would ensure that the soldiers, marines, sailors and airmen in harm's way are protected and continue to have the equipment, the supplies, the fuel, and the transportation resources that keeps them fed, repairs their equipment, treats their medical needs, and allows them to continue to operate. The reality, however, is that these funds will necessarily have an impact on our entire military. Because of the immediate need to protect troops in wartime conditions, all of the men and women in uniform—as well as the civilian workforce of the Defense Department—are caught in the position of having to curtail important operations that underpin the very readiness of our forces, not just for Iraq, but for all aspects of our nation's defense.

The Army is on the leading edge of these impacts with installations across the country already having been notified to prepare for curtailing operations in the middle of February. The Army can keep going that long only by accelerating spending regular operations funds intended to last for the entire year, and by reprogramming other funds to the maximum allowed in law. If no further action is taken on this funding, the Army intends to furlough as many as 100,000 civilian employees and a comparable number of contractor personnel. In addition, it will sharply reduce travel, training, maintenance and child care and other day-to-day activities at installations across the Nation. And we know that the Marine Corps is close behind the timing of the Army in experiencing these impacts, all of which will exacerbate the level of readiness already diminished by our long involvement in Iraq.

So it is frustrating for me and for many Members of this House to be presented with the Hobson's choice that we have before us today: whether to impose a terribly chaotic situation on the entire U.S. military or whether to approve another substantial increment of funding for the Iraq war without any clear and well-articulated strategy for the eventual re-deployment of American troops. We are presented with this choice by a President who is unwilling to consider any change whatsoever in our strategy in Iraq and who has clearly not listened to the will of the American people or the views of their representatives here in Congress.

I have reluctantly concluded at this point that a vote to deny these funds now could potentially harm the troops in theater and could seriously diminish the condition of all of our military forces who still face other threats around the globe. Out of a responsibility to the men and women in uniform, to their families, to the civilian workforce in DOD and to our Nation's overall security, I intend to vote in favor of this resolution.

At the same time, it is my intention to continue working with what I believe is a growing majority here in Congress and a solid majority in the country to advocate for a major change in the direction of our policy in Iraq, and for the prompt re-deployment of the U.S. troops currently stationed in Iraq.

Mr. HALL of New York. Mr. Speaker, today this body did something that it failed to do last year under the previous majority by passing legislation to direct the spending of our Federal Government.

I am disappointed that the choice of the President and the minority to engage in confrontation and obstruction instead of cooperation and progress prevented us from more fully meeting America's needs in this bill. Despite their intransigence, we were able to pass a bill that began to reinvest in critical national priorities that had been neglected for too long. Priorities like life saving medical research, law enforcement, border and homeland security, K–12 education, college aid, needed infrastructure improvements, renewable energy, and energy efficiency. In addition to those steps, this bill lived up to the commitment of this Congress to keep our promises to America's veterans by providing $3.7 billion over the President's request for veterans' medical care, claims processing, and facility improvements.

I indicated when the House considered this legislation earlier this week that I believed this is not a perfect bill. However, I believe that the spending bill we approved on December 17, 2007, does a tremendous amount of good by funding key programs that will make America more secure and more prosperous. It makes necessary investments in America's future, and that is why I voted for it.

Unfortunately, the Senate has added funding for the war in Iraq without placing a time line for withdrawal. For that reason, I could not support the Senate version of the bill and voted against it.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this legislation. It has been a long process, and this bill is far trom perfect, but I enthusiastically support this measure as an important first step in a long-overdue effort to provide for the needs of our most vulnerable citizens and begin to invest in priority items here at home to build a brighter future for America.

As a member of the House Budget Committee, I believe that budget-making is about more than just numbers on a ledger or a spreadsheet. Budgets reflect our Nation's priorities, and Congress has a solemn duty to pass a funding that honors the values of the American people. I have worked with the leadership of this new Democratic Congress to reverse the misguided budget course of the current administration that has neglected America's domestic needs and created massive annual deficits and record national debt. I am pleased that the New Direction Congress has rejected the President's misguided budget cuts for critical American priorities like education, medical research and energy independence. This responsible legislation fulfills Congress's obligation to govern and charts a better course for the American people.

I especially want to thank the House Democratic Leadership for including $600 million for disaster assistance for victims of the record drought in North Carolina and throughout the southeastern United States. My farmers are hurting, and this disaster assistance will provide real relief and some measure of hope for the future. I have been proud to lead the fight for this funding, and I want to thank Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Appropriations Committee Chairman OBEY and Agriculture Committee Chairman PETERSON for their leadership on this priority item.

Beyond disaster assistance, I support this omnibus appropriations bill because it invests in:

K–12 Education: $767 million above the President's request with targeted increases to Title I, Special Education, Teacher Quality Grants, After-School Initiatives and Head Start.

Student Aid: $1.7 billion above the President's request for Pell Grants and other student aid.

Vocational Education: $575 million above the President's request for technical training at high schools and community colleges.

State and Local Law Enforcement: $1.2 billion above the President's request to help local communities across the country.

Homeland Security Grants: $1.8 billion above the President's request, recognizing that homeland security begins with hometown security.

Medical Research: $607 million above the President's request to study diseases like cancer, Alzheimer's, Parkinson's and diabetes.

Health Care Access: $1 billion above the President's request, making targeted increases to efforts like Community Health Centers to provide 280,000 more uninsured Americans with access to health care and High Risk Insurance Pools to help 200,000 more people afford health insurance.

Rural Health Care: $147 million above the President's request to help 1,200 small rural hospitals.

Veterans: $3.7 billion more than the President's request for VA health care, medical and prosthetic research, medical services for injured and ill veterans, and the construction of new VA medical facilities.

Highway Infrastructure: Meets the guaranteed levels set in the authorization bill and provides a $1 billion initiative to repair our bridges.

Renewable Energy & Energy Efficiency: $486 million above the President's request for critical investments in Solar Energy, Wind Energy, Biofuels, and Energy Efficiency, with a careful blend of new scientific investments and conservation efforts.

Finally, Mr. Speaker, this bill contains funding the President requested for ongoing operations in Iraq and Afghanistan, to support our troops and avoid any risk that Defense Department employees could be subject to furlough notices this holiday season. I regret that the stubborn opposition of the President and his allies in Congress to investing more in America's priorities prevent us from making more progress. But I strongly support this compromise legislation, and I urge my colleagues to join me in voting for it.

Mr. UDALL of New Mexico. Mr. Speaker, 2 days ago, this body passed an omnibus appropriations bill that, while limited in its priority only to the most basic domestic needs in this country due to the stubbornness of the President and Republicans in the Senate, funded over a half a trillion dollars for important programs that will help all Americans. Now, however, we are being asked to attach to that bill $70 billion in unchecked, unconditional, and unqualified spending for the war in Iraq. It is absolutely unacceptable that we continue to provide the President with funding without providing explicit requirements that he redeploy our troops from Iraq, bolster our diplomatic efforts throughout the Middle East, and engage other countries in the region in a political solution. For those reasons, I will be voting against this funding.

Our soldiers have acted with unquestionable bravery and patriotism in Afghanistan and Iraq. They have given their time, their devotion, and in some cases their lives. And it is time for them to come home. Yet, their military accomplishments are not being complemented with political or diplomatic accomplishments. The Iraqi government refuses to step up to the plate, move toward reconciliation, and unite the Iraqi people.

As we prepare to start a new year, it is expected for people to reflect on what has transpired from the past, learn from their mistakes and decide how they can improve in the future. This does not hold true for the President, who instead is blindly demanding unfettered war funds without demonstrating any plans for removing our troops from harm's way and turning Iraq over to the Iraqi people. We cannot and must not continue on this path.

Mr. MCCAUL of Texas. Mr. Speaker, the Committee has spoken and the result is positive. I appreciate the words of the Committee in the Statement of the managers accompanying the Omnibus Appropriations legislation specifically regarding the USAID and hunting conservation programs in Africa and around the world.

The initial problem that came to light earlier this year was language that denied USAID funding of recreational, sport and trophy hunting in its assistance programs in Africa. The language in the Statement of the Managers to accompany the Omnibus legislation offers out the opportunity for the USAID conservation projects to continue and states that they need to come before the Committee and explain these important conservation programs. I support this effort and commend the Committee on this language.

These USAID projects are very important tools in the effort to promote conservation. Tourist hunting in foreign lands has proven to be vital and critical to community-based natural resource management programs such as the CAMPFIRE Program in Zimbabwe and the LIFE Plus Project in Namibia. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. Without them, literally millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-

hunted and poached. None of us want that result.

These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering.

The facts are in: in twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. The USAID programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing the flaw in the House Report language and speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mr. HUNTER. Mr. Speaker, I rise today in great reluctance to support final passage of the FY2008 Omnibus Appropriations Act. I am voting in favor of this legislation because it rightfully supplies our men and women on the battlefields of Afghanistan and Iraq with the resources they need to continue their mission, while also supporting the Global War on Terror. These brave men and women deserve our support and I will never waiver from this responsibility.

However, despite my vote in favor of this legislation, I remain adamantly opposed to the underlying Omnibus legislation that effectively guts the Secure Fence Act passed during the 109th Congress. Securing the border of the United States is one of the most important responsibilities of the federal government. The Republican-led Congress last year did the right thing by passing the Secure Fence Act that mandated the construction of 854-mile double layered border fence along our Southwest border. Unfortunately, one of the few acts actually accomplished by this first session of the 110th Congress will be to remove that mandate and ensure that our southern border remains one of our weakest links in the effort to secure our homeland. Frankly, this is unacceptable.

I will be working with my colleagues during the second session of this Congress to address this travesty, however, I will not hold back the needed resources from our brave men and women in uniform because of this irresponsible move by this Congress. Therefore, I reluctantly support this Omnibus package.

Mr. UDALL of Colorado. Mr. Speaker, when the House considered this measure earlier this week, I voted for it even though I was far from enthusiastic about doing so.

Now that it is before us again—because the Senate changed it—I am even less enthusiastic about it, but I have reluctantly concluded that bad as it is, it needs to be passed. And so I will vote for it again.

Earlier, I said that one of its worst shortcomings, ironically, was that it was too long—rolling into one massive measure provisions from no fewer than 11 regular appropriations bills that the House passed earlier this year.

And now it is even longer, because the Senate has added an additional $39 billion, all for military activities in Iraq.

There is no mystery about why that happened. It happened for two reasons.

The first reason is that President Bush has insisted that he will not sign the bill unless these funds were added—just as he has insisted he will veto it if it provided more funding than he has requested for domestic purposes.

The second reason is that our Republican colleagues, both here and in the Senate, have made clear they will support any such veto.

And the result of the president's stubborn insistence and our Republican colleagues stubborn loyalty is that of the nearly $190 billion the president requested for Iraq and Afghanistan, this bill includes $39 billion for Iraq, to be available without conditions or significant restrictions.

This essentially unconditional funding approach is very different from the war funding bill I supported and the House passed last month, which would have provided targeted funding toward an ''immediate and orderly'' redeployment of U.S. troops from Iraq.

I agree with those who say there are clear signs of progress on the security front in Iraq. But when he announced the ''surge'' of additional troops to Iraq, President Bush promised us more than progress on the security front. We sent more troops to Iraq to provide ''breathing space'' for the Iraqi government to move toward political reconciliation, and that hasn't even begun to happen.

I think that in the long term, there is no sustainable role for large numbers of U.S. troops to remain in Iraq—whether refereeing a civil war or waiting for the Iraqi government to decide to act within the ''breathing space'' our brave troops have provided and our taxpayers are paying for at $9 billion per month.

So I regret that this bill sends the wrong message by including no Congressional direction on how the funds for Iraq should be spent.

At the same time, we all understand that this bill includes no ''strings'' on Iraq funding because the Senate simply doesn't have the votes to pass such a bill and that Republican support for a veto would prevent it from becoming law if it should be passed.

What we need is consensus here at home on a path forward in Iraq.

I believe consensus can be found around the recommendations of the Iraq Study Group, which I introduced as legislation earlier this year, including supporting a course of escalating economic development, empowerment of local government, the provision of basic services, a ''surge'' in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

If legislation along those lines had been agreed to, we would not find ourselves making the difficult choice presented by this bill now before us.

Only Democrats and Republicans working together can find the best path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

And today, I will vote for this omnibus bill because despite its shortcomings, I will not vote to deny funding for the body armor and other supplies our troops require and because in terms of funding for domestic programs, it still is a better bill than would have resulted if we had simply rubber-stamped the president's budget requests—and it includes provisions that will directly benefit Colorado and the nation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of 2764, which provides, among other things, $500 million for the Commanders Emergency Response Program (CERP). Our continued support for this program is vital for winning the war on terror and ensuring stability in Iraq and Afghanistan. General Petraeus himself recently described it as ''a critical tool with which to prosecute the counterinsurgency campaign.''

Our continued support for CERP will be especially important for achieving long term success in Iraq. The Iraqi people must be convinced that their lives are getting better and that their future is one of peace and prosperity, rather than violence and sectarian strife. As David Ignatius pointed out this morning in the Washington Post, ''the success of the U.S. troop surge seems to be bolstering, ever so slightly, the advocates of conciliation and weakening the partisans of sectarian war.'' However, ''[t]he recent progress in Iraq has resulted from bottom-up efforts to build trust, neighborhood by neighborhood.'' CERP has proven to be one of the key tools in this effort.

CERP allows our military commanders and civil affairs officers on the ground in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population. The funding is allocated to brigade commanders to support a wide variety of small-scale relief and reconstruction projects, including reconstruction of water and sanitation facilities, school repair, restoring power stations, lines and generators, providing humanitarian relief, renovating cultural centers, museums and libraries, and repairing telecommunications infrastructure.

Most importantly, CERP grants can be dispensed quickly and applied directly to local needs, rather than slowed down by the bureaucratic process in Washington and watered down by foreign contractors and subcontractors. As Secretary Gates recently explained in his testimony before Congress, ''. . .by building trust and confidence in Coalition forces, these CERP projects increase the flow of intelligence to commanders in the field and help turn local Iraqis and Afghans against insurgents and terrorists.''

CERP could also serve to be a key component in helping to normalize the more than 2 million internally displaced Iraqis and provide a stable environment for the more than 2 million externally displaced in neighboring countries to return home.

The Iraqi Red Crescent Organization (IRCO), for example, has recently proposed a one-year plan to normalize up to 600,000 internally displaced residents of Baghdad into 120 self sustaining neighborhood units. The IRCO Neighborhood Reconstruction Program (NRP) could help provide unemployed IDPs with the opportunity to construct and service approximately 100,000 homes, 440 schools, 132 mobile health clinics, 60 water treatment plants, and 44 electrical generators. With the financial support of CERP and the Government of Iraq, this program would be coordinated through IRCO's existing 44 offices in Baghdad and, within a year, these formerly displaced people would have the opportunity live in homes with electricity and water, within neighborhoods that have access to nearby healthcare, schools, and jobs.

We have an obligation to continue funding CERP so that the Iraqi and Afghan people can build peaceful and prosperous societies for themselves. The sooner this occurs, the quicker our troops can come home.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank the Committee on Appropriations for addressing language contained in the House State, Foreign Operations Committee Report regarding funding of recreational, sport

and trophy hunting in its assistance programs in Africa. The language included in the Manager's Statement accompanying the Omnibus Appropriations Legislation offers USAID the opportunity to come before the Committee and explain the need for these important conservation programs to continue. I support this effort and commend the Committee on this language.

I urge USAID to take advantage of this opportunity to come before the Committee and explain the benefits of these valuable projects as directed by the Manager's Statement. Conservation projects have made great contributions to wildlife management and have a great story to tell. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of successful conservation programs involving controlled, regulated sport and trophy hunting that economically supports tribal systems in many areas of Africa. Without programs like these, millions of acres of properly managed conservation areas would fall prey to poachers, eliminating the economic value these lands provide.

Additionally, tourist hunting has proven to be a valuable tool for conserving wildlife and habitat for particularly threatened species such as the African elephant, white and black rhino, leopard, markhor, argali and others. Licensed, regulated tourist hunting provides tens of millions of dollars for the operating budgets of foreign wildlife departments, significantly reduces poaching, and creates incentives for local inhabitants to perpetuate biodiversity on hundreds of millions of acres where it is needed beyond the borders of protected areas. Without these programs, animals in this environment would be killed for food, over-hunted, and poached, placing the continued survival of these species in serious jeopardy.

The facts are that in the twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. These conservation programs are extremely important to African tribal culture, not to mention the survival of the many animal species they protect worldwide. While I cannot support the overall bill, I thank the Appropriations Committee for recognizing this flaw in the Committee Report on H.R. 2764 and speaking to it appropriately in the Omnibus Legislation's accompanying Manager's Statement.

Mr. SESSIONS. Mr. Speaker, for many years, our government has been involved in the funding of several successful conservation programs that are supported by recreational, sport and trophy hunting programs in Africa. The Committee wisely spoke to these important programs in the Statement of the Managers which accompanies the Omnibus Appropriations legislation. I support the language and welcome the USAID coming before the Appropriations Committee and detailing these important conservation projects.

Initially, the language in the State Foreign Operations Report denied USAID funding of recreational, sport and trophy hunting in its assistance programs in Africa. Again, the language in the Statement of the Managers to accompany the Omnibus legislation offers out the opportunity for the USAID conservation projects to continue and further states that they need to come before the Committee and explain these important conservation programs. I support this effort and commend the Committee on this language.

Tourist hunting in foreign lands has proven to be vital and critical to community-based natural resource management programs such as the CAMPFIRE Program in Zimbabwe and the LIFE Plus Project in Namibia.

These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering. Isn't that what we are trying to accomplish with these programs? Closer to home, National Geographic News reported in March of 2007 that "trophy hunting is of key importance to conservation in Africa by creating [financial] incentives to promote and retain wildlife as a land use over vast areas..."

As I previously mentioned, the CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. The programs which are funded with matching funds from groups like the World Wildlife Fund and the Dallas Safari Club supply money for drinking water wells and schools for the local population. Without these programs, literally millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-hunted and poached. These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering.

The USAID conservation programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing that the language in the Foreign Operations House Report needed to be revised and I thank the Committee for speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mr. SKELTON. Mr. Speaker, I am pleased that the Congress and the President have come together to find common ground on the fiscal year 2008 budget. It is often said that politics is the art of compromise, and the bill we are considering today—H.R. 2764—represents a compromise position that allows the Congressional majority to advance some of its priorities while adhering to the President's overall budgetary constraints.

H.R. 2764 funds a number of programs that are important to the American people, including investments in education, life-saving medical research, law enforcement, border security, veterans' health care, and energy independence initiatives.

H.R. 2764 is especially good for rural America. The bill rejects deep cuts that were proposed by the President in rural health care, housing, economic development, Internet access, and law enforcement programs. At the same time, the bill nearly doubles funds available for renewable energy loans and grants in rural areas, commits significant resources to fix aging bridges, and adds $1 million to the President's request for rural drinking water and waste water infrastructure projects. Additionally, the measure slashes funding for the Administration's efforts to create a National Animal Identification Program, reducing it by $23 million.

H.R. 2764 also extends through December 31, 2007, most of the agricultural disaster assistance programs included as part of the emergency supplemental spending bill signed into law earlier this year. These programs allow many American farmers to recoup some losses associated with drought and other natural disasters in 2005, 2006, or in the first two months of 2007. Between February and December of this year, Missouri farmers have seen their fair share of damaging weather events. I am pleased that Congress is extending disaster programs that may be beneficial to qualifying Show-Me State producers.

The measure also funds U.S. military efforts in Afghanistan and Iraq. And, while I would have preferred to send the President war funding legislation that sets a goal of redeploying most American troops from Iraq by next Christmas, H.R. 2764 will provide our service men and women with the resources they need to do their jobs while serving in harm's way and will alleviate any need by the Administration to reallocate funds from domestic military operations.

H.R. 2764 represents a compromise bill that is in the best interest of our Nation. I am pleased to support its passage and urge the President to sign it into law.

Mr. BOREN. Mr. Speaker, I rise today to thank my colleagues on the Committee on Appropriations for language in the Manager's Statement accompanying the Omnibus Appropriations bill, regarding USAID and hunting conservation programs in Africa and around the world. This language provides an opportunity for these USAID conservation projects to continue and asks them to come before the Committee and explain how these important conservation programs have seen success in Africa and around the world. I support this effort and commend the Committee on this language.

Earlier this year, language to deny funding for USAID assistance programs in Africa utilizing recreational, sport and trophy hunting was included in the House State, Foreign Operations Appropriations Committee Report. I opposed this language as tourist hunting has proven to be a valuable tool for the conservation of wildlife and habitat. These programs have proven to be particularly useful in the survival of African elephants, white and black rhinos, leopards, markhor, argali, and other threatened and endangered species. To block this revenue would do nothing for the conservation of species and would simply be one step further in a campaign to ban hunting.

I welcome the opportunity for USAID to come before the Committee and explain these valuable and beneficial projects as the language directs. USAID and their conservation projects will have their opportunity to tell their conservation story and how revenue brought in by these hunters benefits the local native communities, encouraging them to conserve and manage wildlife populations responsibly. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. Without them, millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-hunted and poached. None of us want that result.

Licensed, regulated tourist hunting provides tens of millions of dollars for the operating

budgets of foreign wildlife departments, significantly reduces poaching, and creates incentives for local inhabitants to perpetuate biodiversity on hundreds of millions of acres where it is needed beyond the borders of protected areas. In twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. The USAID programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing the flaw in the House Report language and speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the FY08 Consolidated Appropriations Legislation. Although this bill does not accomplish everything that we had wanted for the next fiscal year, the bill will provide critical funding to many programs that for too long have been underfunded.

Among many other important provisions, this legislation will provide $607 million above the President's request for medical research of diseases including Alzheimer's, cancer, Parkinson's and diabetes. It will make investments in education including K through 12, Pell Grants, and vocational education. It will help make communities across the country safer by providing $1.2 billion above the President's request for state and local law enforcement. Lastly, it will provide critical homeland security funding at $1.8 billion above the President's request.

I want to note several other items in this bill that are of particular interest to me and many of my constituents.

The bill provides $108 million for the health needs of World Trade Center responders, residents, students, and others exposed to the toxins of Ground Zero, to be administered by the National Institute for Occupational Safety and Health. The legislation also requests that the Administration prepare a plan for a comprehensive program for health screenings, analysis, and medical treatment for the entire exposed community. I want to sincerely thank Chairman OBEY and his incredibly able staff for their continued dedication to the heroes of 9/11.

I commend the Appropriations Committee for including enough baseline funding to continue the invaluable Survey of Income and Program Participation (SIPP) in FY 2008, despite the Bush Administration's initial desire to eliminate the survey. The SIPP provides the most comprehensive data on the economic well-being of American families, and I am glad that the Committee understood its importance.

The legislation before us will provide $75 million to help Afghan women and girls including funding for the Afghan Independent Human Rights Commission which does essential work in Afghanistan to combat human rights abuses. Additionally, the bill provides more than $147,000,000 for processing the backlog of DNA evidence kits as provided by the Debbie Smith Act, legislation I first introduced in 2001.

I want to thank Chairman OBEY and the Appropriations Committee for its work under very difficult conditions, and I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 2764, the Consolidated Appropriations Act of 2008. While this is a vastly different package than the 11 stand-alone appropriations bills that the House passed earlier this year, it is a package that for the first time in over eight years focuses on the priorities of the American people.

Without a doubt the budgetary process is never easy. This year, however, the process has been exacerbated by the fact that this Administration has been unwilling to come to the negotiating table to hammer out the details of this legislation, instead barking orders at Congress—the people's representatives—from 1600 Pennsylvania Avenue. Furthermore, this process has been held up by the inability of the Senate to pass these bills as stand-alone measures. As a result, Congress has no choice but to consolidate the remaining appropriations bills in order to complete our budget work.

Like many of my colleagues, I had hoped that this Administration would have worked with Congress to find a compromise that would have reflected the domestic needs of our country and the priorities of our working families. Unfortunately, the budget proposal the Administration sent to Congress earlier this year proposed cuts to many important domestic programs including: Medical research grants at NIH; Grants for low-income schools; Vocational education programs in high schools and community colleges; Homeland Security Grants for police, firefighters and medical personnel; Renewable energy programs; and Community Health Centers.

Yet after proposing cuts to these vital programs, the President had the nerve to request another blank check for the war in Iraq.

The truth of the matter is our troops have the funding they need. Congress passed and the President signed a Defense Appropriations bill last month that contained more than $450 billion in funding for the military. Moreover, the House passed an Iraq supplemental last month that would provide $50 billion worth of funding for the war efforts in Iraq and Afghanistan. Unfortunately, that bill has been blocked by Republicans in the Senate because it contains important provisions that would require the President to begin to plan for the withdrawal of American troops from Iraq.

I would note that recently, the Congressional Budget Office has reported that costs related to the Iraq war could reach $2.4 trillion over the next decade, even if the number of troops is cut by half. Furthermore, we have seen more than a billion dollars gone unaccounted for in Iraq due to fraud and misuse on the part of contractors and poor accounting by our own government.

By threatening to veto any spending bill that does not give him a blank check in Iraq, it is the President who is playing politics—playing politics with our service men and women and their families, and playing politics with critically important domestic programs.

The bill before us today is significantly better than what the President sent us at the beginning of this year. It does, as I mentioned earlier, focus on the priorities of the American people. For example, the bill invests in:

Medical Research: $607 million above the President's request to study diseases like Alzheimer's, cancer, Parkinson's and diabetes.

Healthcare Access: $1 billion above the President's request, making targeted increases to programs like Community Health Centers to provide 280,000 more underinsured Americans with access to healthcare and High Risk Insurance Pools to help 200,000 more people afford health insurance.

Rural Healthcare: $147 million above the President's request to help 1,200 small, rural hospitals.

K–12 Education: $767 million above the President's request with targeted increases to Title 1, Special Education, Teacher Quality Grants, After School Programs, and Head Start.

Student Aid: $1.7 billion above the President's request for Pell Grants and other student aid programs.

Vocational Education: $575 million above the President's request for technical training at high schools and community colleges.

State and Local Law Enforcement: $1.2 billion above the President's request, to help local communities across the country.

Homeland Security Grants: 41.8 billion above the President's request, recognizing that fighting terror must be a top priority.

Highway Infrastructure: Meets the guaranteed levels set in the authorization bill and provides a $1 billion initiative for our bridges.

Renewable Energy & Energy Efficiency: $486 million above the President's request for important investments in Solar Energy, Wind Energy, Biofuels, and Energy Efficiency, with a careful blend of new scientific investments and conservation efforts.

Chairman DAVID OBEY deserves our thanks for plowing through what many of us would consider unworkable circumstances and producing a bill that puts the American people first.

Now, it is unfortunate that Senate Republicans have chosen to give the President the blank check he requested in terms of war funding. I cannot, however, in good conscience, hold the rest of the federal government—and the above investments—hostage to Iraq funding. Instead, I will continue to work with my colleagues in the coming year to bring an end the President's failed Iraq policy.

Mr. Speaker, it is the duty of Congress to pass spending legislation each year, and it is a duty we take very seriously. I would like to take just a moment to remind President Bush that Congress is a co-equal branch of government. Our founding fathers intended that no one branch should set the course for our country, and in fact compromise has long been one of the hallmarks of our government. It is time that the Administration recognizes that a seat at the negotiating table can accomplish much more than the wave of the veto pen.

Mrs. LOWEY. Mr. Speaker, I rise today in support of the House amendment to H.R. 2764 to highlight the key elements of division J, the Department of State, foreign operations, export financing, and related programs appropriations act of fiscal year 2008.

This amendment reflects a bipartisan, bicameral process. We worked tirelessly with ranking member WOLF, Senator LEAHY, and Senator GREGG to create a product that addresses our strategic priorities and our national security interests, as well as increases assistance for programs that promote development, reduce poverty, meet humanitarian needs and respond to global health crises.

Despite our bipartisanship, the President's intransigence forced us to make difficult cuts to worthy programs. His unwillingness to compromise with Congress, while spending $12 billion a month in Iraq, is both fiscally and

morally irresponsible. We have worked to limit the damage of this President's misplaced priorities, and I appreciate Chairman OBEY and Speaker PELOSI's commitment to robust foreign assistance.

Division J includes over $5.3 billion for State Department operations in the United States and abroad, and exceeds the President's request for worldwide security protection to ensure that our diplomats and development workers remain safe and secure. It also provides $501 million for educational and cultural exchanges, and $366 million for public diplomacy.

PROMOTING NATIONAL SECURITY THROUGH SUPPORT FOR STRATEGIC PARTNERS

The bill also provides $7.5 billion in economic and military assistance for our strategic partners throughout the world, including Israel, Egypt, Jordan, Afghanistan, Pakistan, the Philippines, and Indonesia among other countries. It fully meets the President's request of $2.4 billion for Israel and $1.715 billion for Egypt, excluding the 0.81% across-the-board cut required to reach agreement with the President, and provides assistance to Jordan, including debt relief critical to its economic revitalization.

ADDRESSING GLOBAL HEALTH AND HUMANITARIAN CRISES AND PROMOTING PEACE

Combating global health threats—including tuberculosis, avian flu, HIV/AIDS, and malaria—is a security imperative as well as a moral responsibility. We are leading the fight against HIV/AIDS and other global health emergencies—providing $6.5 billion, $796 million above the President's request and $1.4 billion over fiscal year 2007, to address these critical needs. Within the total provided for global health, $5 billion is for HIV/AIDS prevention, treatment and care efforts internationally, $544 million above the President's request. We have also included, government-wide, $841 million for the Global Fund to Fight AIDS, TB, and Malaria.

I must express my great disappointment that President Bush was willing to veto this entire vital bill because it would have allowed the U.S. to send contraceptives to poor men and women around the world. The President's dogmatic adherence to an illogical position diminishes our influence around the world and thwarts one of the most effective strategies for stemming the spread of HIV/AIDS and reducing unintended pregnancies and abortions. This is a fight we cannot win if our policy continues to put ideology ahead of proven results, and I will continue fighting to restore common sense to our international family planning initiatives.

I am pleased that we were able to provide significant funding to promote peace and address humanitarian crises throughout the world. Without the across-the-board cut, we would have provided the full request for the Peace Corps to support 7,749 volunteers in 67 posts serving in 73 countries.

The bill includes over $1 billion to help displaced people around the world, especially the growing number of Iraqi refugees. Additionally, over $430 million is provided to avert famines, provide life-saving assistance during natural disasters, and assist internally displaced persons in Iraq, Darfur and elsewhere.

Since declaring the atrocities in Darfur, Sudan, genocide in July, 2003, this committee has appropriated over a billion dollars to support the African Union peacekeeping mission and to provide emergency assistance. We are hopeful that the long-overdue United Nations mission will finally be able to bring stability to this region, and allow the Darfuri people to rebuild their lives. To that end, this bill provides over $550 million to support the UN peacekeeping mission in Darfur. We have made a strong commitment to international peacekeeping activities, and this bill includes $1.6906 billion for ongoing operations in Liberia, the Democratic Republic of Congo, South Sudan, Ethiopia/Eritrea, Haiti, Timor-Leste, Lebanon, and Kosovo.

I am also pleased that we were able to provide additional funding to meet our commitment to provide critical security sector assistance for Liberia.

INVESTING IN DEVELOPMENT AROUND THE WORLD

The bill also increases funding for development programs managed by the U.S. Agency for International Development. These resources will expand our basic education, safe water and environment programs.

Access to basic education has been one of my top priorities for many years because it not only improves an individual's chances for a better, more productive life, it creates a more tolerant and informed citizenry. We have provided a total of $694 million for basic education programs in this bill, including $189 million targeted to help developing countries with national education plans meet the international goal of quality education for all children by 2012.

This bill also provides $510 million for clean energy and biodiversity programs worldwide. This includes funding for the Global Environment Facility and international conservation programs that work with developing nations to reduce greenhouse gas emissions, preserve national parks, and protect wildlife.

There is also $1.544 billion for the Millennium Challenge Account in this bill. While this funding level is lower than that provided by the House, it is $344 million above the Senate level, and it will allow the MCC to undertake all its planned compacts and threshold programs through fiscal year 2008.

RESPONDING TO DEVELOPING SITUATIONS

This bill responds to a number of evolving diplomatic needs throughout the world. In addition to providing the strong annual aid package to Israel, we must ensure that our assistance to the Palestinians supports the current movement toward negotiating a peaceful two-state solution between the two parties.

In addition to language on assistance to the Palestinians that has been carried in the Foreign Operations bill for many years, we have included additional accounting conditions on part of any funding provided as cash transfer to the Palestinian Authority. It also ensures that no funding goes to Hamas or to salaries of Palestinian Authority personnel located in Gaza. It is essential that we track every dollar of any cash transfer, and before funding is obligated or expended, I expect the Department of State to take the following steps:

(1) Representatives of the government of the United States and the Palestinian Authority will develop a list of mutually-agreed disbursements. Emphasis will be on funding projects in the West Bank that quickly demonstrate quality of life benefits for the population.

(2) The Palestinian Authority may not obligate or expend any funds on items not mutually-agreed upon and will repay any funds which are used in any way not mutually agreed by the United States and the Palestinian Authority.

(3) The Secretary of State shall certify that none of the funds will be used to support violence or terrorism. All contractors will be investigated through the same United States embassy process that is used to vet implementers of United States-administered assistance programs.

(4) The Palestinian Authority will establish a separate account to hold funds received in the cash transfer. Authorized United States officials will have complete and unfettered access to the records of this account.

(5) The Department of State will report biweekly to the Committees on Appropriations on all expenditures, disbursements and balances associated with the cash transfer assistance to the Palestinian Authority.

(6) The Secretary of State shall report to the Committees on Appropriations, in classified form if appropriate, on how much funding the Arab states are providing to the Palestinian Authority, and steps the Palestinian Authority is taking to end incitement.

I look forward to working with the State Department to ensure that these funds are fully accountable and used to support President Abbas and Prime Minister Fayyad as they work to end corruption and bring needed services to the Palestinian people in the West Bank.

Also related to peace in the Middle East, I remain gravely concerned about the smuggling operation from Egypt to Gaza, and funds in this bill for Egypt are conditioned on steps taken to detect and destroy these tunnels.

The developing situation in Pakistan, which continues to be an important ally of the United States, also demands action in this bill. I appreciate the recent steps towards restoring the constitution and advancing democracy and human rights. However, the actions of the past few months warranted measures in this bill to end cash transfers and condition military assistance on continued progress on political reforms. We remain steadfast in our support of the Pakistani people, and this assistance package maintains the robust development and security assistance that is central to reducing poverty, increasing stability, and fighting Al Qaeda, the Taliban, and other terrorist groups.

Because our efforts to combat narcotics in Colombia have been ineffective for some time, this bill restructures assistance for Colombia. We have shifted greater resources to the development and interdiction programs. We have also increased funding for rule of law and justice efforts in order to strengthen the Government of Colombia's ability to combat and demobilize their criminal paramilitary organizations that fuel the drug war. It is time for the Colombians to take ownership over their eradication and military assistance programs, and restructuring of our assistance package reflects that position.

ADVANCING OUR PRIORITIES AT HOME

In addition to the many steps we have taken in this bill to advance international stability and security here at home, this bill also addresses many of our most important domestic priorities from education funding to worker training to biomedical research to public health activities.

It provides relief for families that desperately need child care and afterschool programs; for first responders in need of training and equipment that will help keep our communities safe; for teachers anxious to receive classroom training or professional development; for students who won't be able to attend college

without an increase in the maximum Pell Grant; and for the elderly who depend on LIHEAP to help pay for the rising cost of home heating oil.

Initiatives funded in this bill literally make a life-or-death difference in the lives of countless individuals and families who are struggling to make ends meet. While we could have done much more with the cooperation of the President, the work that we have accomplished together in this final product will help make America more secure and will improve the lives of millions throughout the world.

In closing, I would like to thank our staff for their tireless work, and their many sleepless nights as they put together this final product. Nisha Desai, and her new baby Safya, Craig Higgins, Michele Sumilas, Steve Marchese, Lucy Heenan, Celia Alvarado, and our minority staff Christine Kojac, Rob Blair and Molly Miller. Lastly, I would like to thank Cherith Norman, as she prepares the leave the State Department, for her years of outstanding work with this Committee.

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

The SPEAKER pro tempore. Pursuant to House Resolution 893, the previous question is ordered.

The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 142, not voting 18, as follows:

[Roll No. 1186]

YEAS—272

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—142

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wu
Wynn
Yarmuth

NOT VOTING—18

Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
Markey
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

□ 1726

Mr. WYNN, Mr. BECERRA, Ms. DELAURO and Ms. ESHOO changed their vote from ''yea'' to ''nay.''

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to personal medical reasons, I was unable to vote during the following rollcall votes. Had I been present, I would have voted ''yea'' on the following rollcall Nos.: 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, and 1186.

REAPPOINTMENT AS MEMBERS TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following members on the part of the House to the United States-China Economic and Security Review Commission for terms to expire December 31, 2009:

Ms. Carolyn Bartholomew, District of Columbia

Mr. Jeffrey L. Fiedler, Great Falls, Virginia

□ 1730

DON'T PLAY POLITICAL GAMES WITH VETERANS FUNDING

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

Mrs. DRAKE. Mr. Speaker, today we completed work on an omnibus spending bill

Hopefully, by Friday, a full 82 days into the fiscal year, our Nation's veterans will finally have access to the $6.7 billion in increased spending, and the new and expanded programs included in the original veterans bill, a bill that passed the House and Senate this summer.

For all of these days, our veterans have done without these additional resources.

So why the delay? Why were our veterans made to wait when a nearly identical bill could have been passed and signed by the President prior to October 1?

I believe our veterans deserve an explanation and an apology. Playing political games with veterans funding not only hurts our veterans but the credibility of this Congress and the American people. Our Nation and its heroes deserve better.

EXPLOITS OF MIKE FLYNT

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

Mr. CONAWAY. Mr. Speaker, last August a man named Mike Flynt attempted to use his final year of college eligibility by walking on at Sul Ross State University in Alpine, Texas. He endured the rigors of two-a-days and made the team. Although a nagging groin injury prevented him from participating in games through the first half of the season, his leg healed to the point that he could participate in several games on special teams and, in the final game of the season, played at linebacker for the final defensive series.

Mr. Speaker, so far, this story is not unusual. However, Mike Flynt's story is unique in that he will turn 60 years of age next year. Mike and I graduated from high school together and played on the first State championship team at Odessa Permian.

Mike fulfilled a 30-year desire to compete one more time in a game he loves. His efforts and accomplishments amaze us all. He was an inspiration to his teammates, coaches and fellow Sul Ross students. His efforts brought positive publicity to a small university in far west Texas.

Mr. Speaker, in a world where athletes often seem to let us down, it's refreshing to see the example of hard work, dedication and perseverance that is Mike Flynt.

THE GRINCH WHO STOLE CHRISTMAS

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

Mr. POE. Mr. Speaker, Christmas will be here in less than 1 week. Most of us will be with people that are very important to us.

But not so for Border Agents Ramos and Compean who are locked up tonight for protecting the Texas-Mexico border from smugglers, especially an admitted drug smuggler. These agents are in prison for their failure to fill out proper paperwork after shooting this drug smuggler bringing in $1 million worth of dope to the United States.

The U.S. Attorneys Office made a backroom deal with the drug smuggler for his testimony, and even the U.S. Attorneys Office admits that he told some lies. Be that as it may, our government was on the wrong side of the border war in this case.

The border agents should be freed by Christmas and put the drug dealer in jail. So there will not be justice this Christmas for our border agents because the U.S. Attorneys Office is obviously the grinch who stole Christmas from our border agents.

And that's just the way it is.

IN MEMORY OF SPECIALIST MATTHEW KYLE REECE, U.S. ARMY

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

Mr. BOOZMAN. Mr. Speaker, I rise solemnly this afternoon to memorialize one of my constituents who's been described as one who makes this country great. I rise to remember Army Specialist Matthew Kyle Reece of Jasper, who passed away in Iraq in December of 2007.

Kyle Reece was born in Harrison and went to school in Jasper and Alpena. He fished, played ball and prayed while growing up in Newton County. His name can be seen in the Alpena gym, marking two championship teams, and his name will long be remembered for the duty he performed on behalf of his country, his friends and his family.

Kyle was a grenadier in the 82nd Airborne who deeply cared for the men in his charge. He accepted his duty proudly, telling his 3-year-old daughter before he left that he had to go to Iraq so she and everyone else in the U.S. could remain free.

There's no way we can adequately thank Kyle, or his family, for his service. However, I will take to heart the words of his wife, Chauntelle, who urges that we not wait until a soldier dies before we honor him. Rather, we should shake their hands and thank them for all that they do for America.

TRIBUTE TO JOYCE HAMLETT: A WOMAN CONTINUING TO BLAZE NEW TRAILS AS KEEPER OF THE MACE

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

Mr. MEEK of Florida. Mr. Speaker, I rise today to give honor to one of our great House employees here that works in this Chamber every day, and that's Joyce Hamlett.

Joyce has had the opportunity to be appointed as Assistant Sergeant at Arms in charge of the mace of the House of Representatives. I think this is a very high accomplishment for someone like Ms. Hamlett who has a meek-like spirit and very nice lady, and I've been working with her, and she's been working not only with me but my mother and other Members that have served here in the House.

She's the first African American woman to serve as keeper of the mace. Her high moral upbringing prepares her for this honorable position.

Mr. Speaker, I can go further, and I do as it relates to my CONGRESSIONAL RECORD statement, but we honor not only her presence here, but we honor the fact that she gives God all of the grace and the glory for her accomplishments here in the House of Representatives.

Mr. Speaker and Members of Congress, as a Member of Congress, I am moved by Ms. Joyce Hamlett's trust in patience, trust in truth and trust that God has planned a great path for her life.

I rise to ask you to join me in recognizing the excellent service and continued professional success of Ms. Joyce Hamlett, newly appointed Assistant Sergeant of Arms for the U.S. House of Representatives.

Congressional business begins when the Mace is set, and ends when it is lifted.

There is one woman with the great responsibility to ensure that the Mace is available for this historical purpose.

And, in times of emergency, one woman guards the Mace and preserves its protection.

Ms. Joyce Hamlett is the first African American woman to serve as the Keeper of the Mace. Her moral upbringing prepared her for this honorable position.

Ms. Hamlett was raised by her grandfather in a church community that fostered the importance of honesty and faith.

Indeed, Ms. Hamlett's strong heritage has served as the guiding force throughout her career on Capitol Hill.

In the early 1980s, Ms. Hamlett departed Broadway, North Carolina and began her successful professional journey alongside her mother, Betty Pearson, at the Capitol Café.

Within five years, Ms. Hamlett rose to cook for lawmakers upstairs in the Capitol Hill restaurant.

Her respectable interaction with lawmakers continued when she went on to serve as elevator operator under the Architect of the Capitol. During that time, she formed long-lasting friendships with many Members of Congress.

In the early 1990s, Ms. Hamlett interviewed for the position of chamber security, and soon after began to firmly enforce House rules on the floor of the U.S. House of Representatives.

As chamber security, she was well-known as one who worked hard to safeguard the principles and rich tradition of the U.S. House of Representatives.

Because of her excellent service, Ms. Hamlett was promoted to her current position as Keeper of the Mace.

Ms. Hamlett is not only Keeper of the Mace, but she is also keeper of a strong moral foundation and keeper of the wisdom and principle represented by the Mace's solid-silver eagle.

Mr. Speaker and Members of Congress, I congratulate Ms. Joyce Hamlett, a woman that continues to blaze new trails with distinction as Assistant Sergeant of Arms for the U.S. House of Representatives.

Thank you Mr. Speaker and Members of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLSWORTH). The Chair will recognize

Members for Special Order speeches without prejudice to possible further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE PURPOSE OF GOVERNMENT IS TO PROTECT THE PEOPLE

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, the purpose of government is to protect the people. It is a very simple but yet fundamental principle of the United States Constitution.

Our Federal Government has to protect us from enemies from abroad, and our government does a good job of doing that. Our government also has the secondary responsibility to protect citizens in our country, and our government does a fairly good job of that.

But there is a unique problem where our government seems to be lacking, and that's protecting citizens that are working overseas for American contractors against other American citizens who commit crimes against them.

Today, Mr. Speaker, in the Judiciary Committee, a brave young lady came and testified about what happened to her, an individual by the name of Jamie Leigh Jones from my congressional district down in Texas.

As a young 20-year-old she went to work for KBR Construction Company overseas in Iraq. She was there just a few days when she was sexually assaulted by several individuals. After she was assaulted, Army doctors intervened and treated her initially for her medical injuries, which were devastating. The medical doctors took and prepared a rape kit, as is supposed to be done in cases like a criminal investigation, and for some reason, they never turned that rape kit over to the Federal Government, to the Justice Department, to the FBI. They turned it over to the company, and it has subsequently been damaged and destroyed.

After Jamie Leigh Jones was sexually assaulted, she was imprisoned as a hostage in a trailer, as she says, where she was not allowed to leave, was not allowed to eat or drink water. She frantically was able to find a cell phone that one of her guards let her borrow. She called her father in Texas, and he called me. And within 48 hours the State Department had dispatched two agents from Baghdad Embassy, found Jamie Leigh Jones, rescued her, and brought her back to the United States.

We would hope, then, that our government would continue this investigation to find the rapist who committed this crime against Jamie Leigh Jones.

This occurred in the year of 2005, and for these 2 years we have heard blissful silence from the United States Justice Department on what they are doing, if anything, to find these criminals who committed this crime.

After Jamie Leigh Jones has now come public with this, my office has received numerous phone calls from other workers who were contract workers, civilians, all females who were assaulted while working in Iraq who are now coming forward to tell their stories. And in their case, like Jamie Leigh Jones, nobody has been prosecuted and held accountable for the crimes committed against these women, these American citizens, these American patriots who are working overseas with our military, but yet crimes are being committed against them. And there is silence from the Justice Department about what is being done, if anything.

It seems to me, Mr. Speaker, that Iraq and what has taken place against civilian workers is reminiscent of the days of the Old West, the Wild West, where crime was committed and no one was held accountable for their conduct.

There are hundreds of Department of Justice officials in Baghdad doing all kinds of things. Why aren't they investigating crimes against civilian workers that are being committed by other Americans? We don't know the answer. It's important that our government fulfill its first duty to its people, which is to protect them, and when crimes are committed against American civilians by other Americans in foreign lands, where we have jurisdiction in the green zone of Baghdad, that our government be relentless in bringing those people, those criminals, to the bar of justice and put them in jail rather than remain silent and not responding at all to these crimes.

So I would hope, Mr. Speaker, as this year ends and the next year begins that our Federal Government, our Justice Department, has a renewed interest in the Americans that are overseas. More Americans are serving in Iraq that are civilians than are serving in the military. And we know that crimes are being committed against them. It's important that those criminals be brought to the bar of justice and held accountable in a public trial because, Mr. Speaker, justice is what we do in America.

And that's just the way it is.

□ 1745

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

(Mr. CARDOZA 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

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

HOUSE SHOULD VOTE ON TREATMENT PARITY BILL

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

Mr. RAMSTAD. Mr. Speaker, with 54 million Americans suffering the ravages of mental illness and 26 million suffering from chemical addiction, the failure of this Congress to pass the Paul Wellstone Mental Health and Addiction Equity Act is a slap in the face to millions of Americans with mental illness and/or drug and alcohol addiction. It's also the biggest failure of this session of Congress.

Congress' failure to knock down the discriminatory barriers to treatment is a matter of life or death for people suffering from mental health and addiction diseases, diseases that took the lives of over 200,000 Americans last year alone.

Just 2 weeks ago, my friend of over 25 years took his own life as a result of depression. He joined 34,000 other Americans who have committed suicide from depression this year.

In my home State of Minnesota, Anna Westin was a young woman with anorexia. She suffered for several years from this terrible disease. Her parents' insurance company refused to cover the inpatient treatment that she desperately needed. Distraught at her condition and being a financial burden on her parents, young Anna took her own life.

Representative PATRICK KENNEDY and I held 14 field hearings across our country this year on the need to end insurance discrimination against mental illness and addiction. We heard story after story after story like these.

We heard from Steve Winter, who traveled in his wheelchair to several of our field hearings. When Steve was a young teenager, he awoke one morning with a stinging pain in his back. He stumbled downstairs to breakfast. He realized that blood was streaming down his back. He heard his mother's voice say, ''Your sister is in heaven, and now you and I are going there to join her.'' His mother was pointing a gun at him. She had been taken off the schizophrenia drugs she desperately needed. As Steve put it, ''My mother didn't shoot my sister and me; her mental illness did.''

Clearly there are not many families in America, Mr. Speaker, who haven't been touched in some way by mental illness or addiction. Like my close personal friend, like Anna Westin and Steve Winter's sister, I could have been one of the thousands of Americans who die each year from mental illness and chemical addiction.

For on July 31, 1981, I awoke in a jail cell in Sioux Falls, South Dakota, as

the result of my last alcoholic blackout after abusing alcohol for 12 long and painful years. I'm alive and sober today, Mr. Speaker, only because of the access I had to treatment in 1981. I'm living proof that treatment works and recovery is real.

But too many people don't have that access to treatment. It's a national disgrace that 270,000 Americans were denied addiction treatment last year. It's a national tragedy that 160,000 of our fellow Americans died from chemical addiction and 34,000 died from suicide as a result of their depression. And it's also, Mr. Speaker, a national crisis that untreated addiction and mental illness cost our economy over $550 billion last year.

And what is Congress' response? Despite bipartisan passage by three House committees and two subcommittees, we were denied a vote in the full House on the Paul Wellstone Mental Health and Addiction Equity Act.

This legislation would give Americans suffering from addiction greater access to treatment by prohibiting health insurers from placing discriminatory barriers on treatment. As many as 16 million Americans in health plans could receive treatment under this act.

Despite the 273 cosponsors of H.R. 1424, this treatment parity bill, no vote was held. Despite the tens of millions of Americans suffering the ravages of addiction and mental illness, no vote was allowed to increase their access to lifesaving treatment.

Mr. Speaker, it is time to end the discrimination against people suffering from mental illness and chemical addiction. It's time to end the higher copayments, deductibles, out-of-pocket costs, and limited treatment stays, discriminatory barriers to treatment that don't exist for any other diseases. It's time to treat mental illness and chemical addiction under the same rules as physical illnesses.

Mr. Speaker, it's time for the House of Representatives to vote on the Paul Wellstone Mental Health and Addiction Equity Act. Those still suffering cannot afford to wait any longer.

RECOGNIZING CRAIG PENDLETON, FOUNDER OF NORTHWEST ATLANTIC MARINE ALLIANCE

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

Mr. ALLEN. Mr. Speaker, I would like to take a few moments to talk about Craig Pendleton, a fisherman from Maine who has dedicated his life to protecting and supporting small-boat fishermen and the communities that depend on them.

Craig is part of a long and proud tradition of fishing families in Maine. Like many fishermen in New England, he experienced the decline of major fishing stocks in the late 1980s and early 1990s and was frustrated by Federal management strategies that seemed to penalize fishermen without really helping to rebuild the stocks.

Many fishermen experienced that frustration, but Craig stands out because he responded by rolling up his sleeves and working hard to find solutions. In 1997, my first year in the Congress, Craig founded the Northwest Atlantic Marine Alliance, or NAMA.

The purpose of NAMA was to work with fishermen up and down the coast of New England to articulate a vision for the future of fishing and fisheries management. Most of these fishermen were small owner-operators who had never participated in politics or management, but through NAMA Craig was able to get them involved.

NAMA was a new voice in the debate over how to manage New England's fisheries. Environmental organizations and Federal managers had long recognized that fish stocks were in trouble, but the small family fishermen were typically shut out of high-level discussions about how to solve the problem. These were the people without advocates, without lawyers, without expensive lobbyists. However, they were often the first to suffer the brunt of any new limits on fishing.

These are the fishermen that NAMA fights for. Over the years, under Craig Pendleton's lead, NAMA has worked tirelessly to help local fishermen understand the complicated jargon of new Federal fisheries regulations and draft their own proposals for new fisheries management plans. I worked closely with Craig and NAMA when I drafted provisions in the recently reauthorized Magnuson-Stevens Act to protect the interests of small-boat fishermen. Fishermen feel empowered by NAMA.

Recently, NAMA became one of the leading proponents of Area Management, an innovative fishery management strategy that allows local communities to take a leading role in managing fisheries resources. The strategy rests on the commonsense idea that fishermen, if they choose, should be able to take responsibility for environmental stewardship and the fair allocation of fisheries resources in their own communities.

Recently, Craig Pendleton announced that he is stepping down from the position he has held for 12 years as coordinating director of NAMA. Here today on the floor of the House, I would like to recognize Craig for all his years as a tireless advocate for fishermen and fish and for all that he has achieved for small-boat owners and operators in Maine and across the country.

I admire Craig and the other men and women involved with NAMA because they are willing to endure significant personal sacrifice to ensure that the fishing industry and way of life that they love are preserved for their children and grandchildren. I hope that those future generations will stand at the helms of their fishing vessels and see our time as a turning point, when small fishing communities across the country began to take a leading role in the management of the fisheries resources on which they all depend. Craig Pendleton is a pioneer of that movement, and I would like to thank Craig on behalf of the people of Maine and wish him the best in his future endeavors.

The SPEAKER pro tempore (Ms. CLARKE). 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 HEALTHY HOSPITALS ACT

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

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, over the last several months, and certainly over the last 2 weeks, Congress has had a number of accomplishments. Today we did a number of things that were important such as funding for our troops. We also improved toy safety. But there have been a number of other opportunities which, unfortunately, with the schedule that we missed, that we could have done and should have done and I hope next year we will do. And that is while we are looking at issues to improve health care and reduce health care costs, when we talk about Medicare or Medicaid or SCHIP, one of the things we should have done was really work to lower costs and save money and save lives.

We hear both sides of the aisle these days talking about the costs of everything: The national debt in the trillions, earmarks need to be reduced, health care is too expensive. But too often we keep talking about these problems or saying perhaps Congress can find a way to pay for these things. But shouldn't we look at how to fix the problem and not just finance it?

We had a solution in front of us that could have saved $50 billion in health care costs. But it didn't happen.

Earlier this year I introduced H.R. 1174, the Healthy Hospitals Act, which received strong bipartisan support. This legislation is a simple solution to lower costs associated with hospital- and health care-acquired infections.

The implementation of this bill is not expensive; it only requires hospitals to publicly disclose their hospital-acquired infection rates and follow simple cleanliness techniques that we already expect our caretakers to follow, things you assume that hospitals and clinics are doing, but, unfortunately, they are not always doing that: washing their hands, wearing gloves, sterilizing equipment before and after uses, testing patients for other diseases prior to treatment or admission to hospitals, giving antibiotics before and after surgery. These aren't

revolutionary ideas; they're just ideas that too often are not followed.

Well, how much of a difference does it really make letting the public know about hospital-acquired infection rates of individual hospitals? In my home State of Pennsylvania, to give a great example of what hospitals can do when they're held accountable for these infections, many hospitals, where they are now required by law to publicly post on the Internet their infection rates, have seen their rates drop to zero or near zero. Incredible, and a good story.

According to the Pennsylvania Health Care Cost Containment Council, the average charge of hospitalization in 2005 for a patient who became infected with a hospital-acquired infection was over $185,000, but the average charge for a patient without infection was $31,000. That's $31,000 versus $185,000, a difference of over $150,000 per patient. Doesn't that tell us what we can be doing to save money and save lives? Now, multiply that statistic by 49 other States and we see what happens. We need to seek areas where we can reduce costs.

Let me point out the grim statistics of this year as of today. This year's toll of health care acquired infections, such as pneumonia, urinary tract infections, or what's been called the ''super bug of methicillin-resistant infections,'' as of today, 1,934,246 cases, 87,010 deaths, and over $48 billion spent on infections people acquired when they go to the hospital or go to the doctor.

Twenty-two other States have taken some steps to reduce these, and we need to make sure we make this a universal system of recording.

I hope that we work this next year to emphasize patient choice, patient quality, and patient safety, and pass H.R. 1174.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3890. An Act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2436

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

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Paragraph (1) of section 7803(a) of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

''(B) TERM.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

''(C) VACANCY.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

''(D) REMOVAL.—The Commissioner may be removed at the will of the President.

''(E) REAPPOINTMENT.—The Commissioner may be appointed to serve more than one term.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX TECHNICAL CORRECTIONS ACT OF 2007

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4839) to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4839

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 3. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 4. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 5. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 6. Amendments related to the Energy Policy Act of 2005.
Sec. 7. Amendments related to the American Jobs Creation Act of 2004.
Sec. 8. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 9. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 10. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 11. Clerical corrections.

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) SPECIAL RULES.—

''(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

''(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

''(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

''(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

''(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

''(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

''(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

''(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 8. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 9. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 10. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 11. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Subsection (c) of section 48 is amended by striking ''subsection'' in the text preceding paragraph (1) and inserting ''section''.

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(11)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

''(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.''.

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(12) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(13) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(14)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(15) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(16)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(17)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(18) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(19) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(20) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(21) Paragraph (33) of section 1016(a), as redesignated by section 7(a)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(22) Paragraph (36) of section 1016(a), as redesignated by section 7(a)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(23) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(24)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(25) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(26) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(27) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(28) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(29) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(30) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(31) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(32) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(33) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(34)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(35) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(36) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(37) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(38) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(39)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(40) Subsection (a) of section 6695A is amended by striking ''then such person'' in paragraph (2) and inserting the following: ''then such person''.

(41) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(42)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(43) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(44) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(45) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(46) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(37), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

The SPEAKER pro tempore. The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHIMP HAVEN IS HOME ACT

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1916) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1916

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 ''Chimp Haven is Home Act''.

SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking ''If any chimpanzee is removed'' and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking ''except as provided'' in the matter preceding clause (i) and all that follows through ''behavioral studies'' and inserting the following: ''except that the chimpanzee may be used for noninvasive behavioral studies'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking ''under subparagraphs (A) and (B)'' and inserting ''under subparagraph (A)''.

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NICS Improvement Amendments 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.
Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
Sec. 102. Requirements to obtain waiver.
Sec. 103. Implementation assistance to States.
Sec. 104. Penalties for noncompliance.
Sec. 105. Relief from disabilities program required as condition for participation in grant programs.
Sec. 106. Illegal immigrant gun purchase notification.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE IV—GAO AUDIT

Sec. 401. GAO audit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

(5) The primary cause of delay in NICS background checks is the lack of—

(A) updates and available State criminal disposition records; and

(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

(6) Automated access to this information can be improved by—

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format.

(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

(9) On April 16, 2007, a student with a history of mental illness at the Virginia Polytechnic Institute and State University shot to death 32 students and faculty members, wounded 17 more, and then took his own life. The shooting, the deadliest campus shooting in United States history, renewed the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct complete background checks on potential firearms purchasers. In spite of a proven history of mental illness, the shooter was able to purchase the two firearms used in the shooting. Improved coordination between State and Federal authorities could have ensured that the shooter's disqualifying mental health information was available to NICS.

SEC. 3. DEFINITIONS.

As used in this Act, the following definitions shall apply:

(1) COURT ORDER.—The term ''court order'' includes a court order (as described in section 922(g)(8) of title 18, United States Code).

(2) MENTAL HEALTH TERMS.—The terms ''adjudicated as a mental defective'' and ''committed to a mental institution'' have the same meanings as in section 922(g)(4) of title 18, United States Code.

(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term ''misdemeanor crime of domestic violence'' has the meaning given the term in section 921(a)(33) of title 18, United States Code.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding'';

(2) by striking ''On request'' and inserting the following:

''(B) REQUEST OF ATTORNEY GENERAL.—On request'';

(3) by striking ''furnish such information'' and inserting ''furnish electronic versions of the information described under subparagraph (A)''; and

(4) by adding at the end the following:

''(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a Federal department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

''(D) INFORMATION UPDATES.—The Federal department or agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

''(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and

''(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

''(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.''.

(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

(ii) a person has been adjudicated as a mental defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS AND COMMITMENTS RELATED TO MENTAL HEALTH.—

(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication related to the mental health of a person or any commitment of a person to a mental institution if—

(A) the adjudication or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code, except that nothing in this section or any other provision of law shall prevent a Federal department or agency from providing to the Attorney General any record demonstrating that a person was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

(2) TREATMENT OF CERTAIN ADJUDICATIONS AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—

(i) IN GENERAL.—Each department or agency of the United States that makes any adjudication related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish, not later than 120 days after the date of enactment of this Act, a program that permits such a person to apply for relief from the disabilities imposed by such subsections.

(ii) PROCESS.—Each application for relief submitted under the program required by this subparagraph shall be processed not later than 365 days after the receipt of the application. If a Federal department or agency fails to resolve an application for relief within 365 days for any reason, including a lack of appropriated funds, the department or agency shall be deemed for all purposes to have denied such request for relief without cause. Judicial review of any petitions brought under this clause shall be de novo.

(iii) JUDICIAL REVIEW.—Relief and judicial review with respect to the program required by this subparagraph shall be available according to the standards prescribed in section 925(c) of title 18, United States Code. If the denial of a petition for relief has been reversed after such judicial review, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee for any and all proceedings in relation to attaining such relief, and the United States shall be liable for such fee. Such fee shall be based upon the prevailing rates awarded to public interest legal aid organizations in the relevant community.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A) or (B), or because of a removal of a record under section 103(e)(1)(D) of the Brady Handgun Violence Prevention Act, the adjudication or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code. Any Federal agency that grants a person relief from disabilities under this subparagraph shall notify such person that the person is no longer prohibited under 922(d)(4) or 922(g)(4) of title 18, United States Code, on account of the relieved disability for which relief was granted pursuant to a proceeding conducted under this subparagraph, with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(3) NOTICE REQUIREMENT.—Effective 30 days after the date of enactment of this Act, any Federal department or agency that conducts proceedings to adjudicate a person as a mental defective under 922(d)(4) or 922(g)(4) of title 18, United States Code, shall provide both oral and written notice to the individual at the commencement of the adjudication process including—

(A) notice that should the agency adjudicate the person as a mental defective, or should the person be committed to a mental institution, such adjudication, when final, or such commitment, will prohibit the individual from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under section 922(d)(4) or section 922(g)(4) of title 18, United States Code;

(B) information about the penalties imposed for unlawful possession, receipt, shipment or transportation of a firearm under section 924(a)(2) of title 18, United States Code; and

(C) information about the availability of relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(4) EFFECTIVE DATE.—Except for paragraph (3), this subsection shall apply to names and other information provided before, on, or after the date of enactment of this Act. Any name or information provided in violation of this subsection (other than in violation of paragraph (3)) before, on, or after such date shall be removed from the National Instant Criminal Background Check System.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 (42 U.S.C. 14601) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

(b) STATE ESTIMATES.—

(1) INITIAL STATE ESTIMATE.—

(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act, each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General and in accordance with section 104(d), of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

(i) A record that identifies a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year.

(ii) A record that identifies a person for whom an indictment has been returned for a crime punishable by imprisonment for a term exceeding 1 year that is valid under the laws of the State involved or who is a fugitive from justice, as of the date of the estimate, and for which a record of final disposition is not available.

(iii) A record that identifies a person who is an unlawful user of, or addicted to a controlled substance (as such terms ''unlawful user'' and ''addicted'' are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) as demonstrated by arrests, convictions, and adjudications, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(iv) A record that identifies a person who has been adjudicated as a mental defective or committed to a mental institution, consistent with section 922(g)(4) of title 18, United States Code, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 20 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—From the information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

(i) update, correct, modify, or remove the record from any database that the Federal or State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; and

(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all records described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations. Not less than 3 percent, and no more than 10 percent of each grant under this paragraph shall be used to maintain the relief from disabilities program in accordance with section 105.

(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as ''NICS''), including court disposition and corrections records;

(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks;

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act; and

(7) maintain the relief from disabilities program in accordance with section 105, but not less than 3 percent, and no more than 10 percent of each grant shall be used for this purpose.

(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $125,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $250,000,000 for fiscal year 2011, $125,000,000 for fiscal year 2012, and $125,000,000 for fiscal year 2013.

(2) ALLOCATIONS.—For fiscal years 2009 and 2010, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 50 percent of the records required to be provided under sections 102 and 103. For fiscal years 2011, 2012, and 2013, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 70 percent of the records required to be provided under section 102 and 103. The allocations in this paragraph shall be subject to the discretion of the Attorney General, who shall have the authority to make adjustments to the distribution of the authorized appropriations as necessary to maximize incentives for State compliance.

(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

SEC. 104. PENALTIES FOR NONCOMPLIANCE.

(a) ATTORNEY GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

(b) PENALTIES.—

(1) DISCRETIONARY REDUCTION.—

(A) During the 2-year period beginning 3 years after the date of enactment of this Act, the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

(B) During the 5-year period after the expiration of the period referred to in subparagraph (A), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the periods referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.

(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103, including an inability to comply due to court order or other legal restriction.

(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this Act shall be reallocated to States that meet such requirements.

(d) METHODOLOGY.—The method established to calculate the number of records to be reported, as set forth in section 102(b)(1)(A), and State compliance with the required level of reporting under sections 102 and 103 shall be determined by the Attorney General. The Attorney General shall calculate the methodology based on the total number of records to be reported from all subcategories of records, as described in section 102(b)(1)(C).

SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

(b) REGULATIONS.—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the ''Director'') shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $62,500,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $125,000,000 for fiscal year 2011, $62,500,000 for fiscal year 2012, and $62,500,000 for fiscal year 2013.

TITLE IV—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103–159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).

Mr. PRICE of Georgia (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

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

There was no objection.

MOTION OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. MCCARTHY of New York moves that the House concur in the Senate amendment to H.R. 2640.

Mr. BOUCHER. Madam Speaker, I rise in support of the measure which I am pleased to cosponsor with the gentlelady from New York, Mrs. MCCARTHY, and the gentleman from Michigan, Mr. DINGELL. I want to thank both of my colleagues for their careful and constructive work on the legislation.

The bill before us today is a well-tailored response to the tragedy that occurred earlier this year in my Congressional District at Virginia Tech University.

It also meets a nationwide need for better reporting of mental health records to the National Instant Criminal Background Check System, against which prospective gun purchases are checked to determine whether they are eligible to purchase firearms.

Under existing federal law, which was also in effect at the time of the Virginia Tech tragedy, persons who have been adjudicated to be a risk to others or to themselves because of a mental condition are barred from purchasing firearms.

The perpetrator of the Virginia Tech tragedy had been adjudicated to be a risk to himself and committed for outpatient mental evaluation.

Accordingly, under federal law in effect at the time, he should have been barred from purchasing the firearms he used.

However, at the time the purchases were made, Virginia did not submit to the National Instant Background Check System mental health records of persons who were committed for outpatient as opposed to inpatient mental evaluation.

Therefore, the disqualifying adjudication that the perpetrator was a risk to himself was not submitted to the background check system, and he was able to purchase firearms.

Ironically, at the time Virginia had the best record among the States for submitting mental health records to the national system.

Since the tragedy, Virginia's mental health record submissions have been made much more thorough by an executive order signed by Tim Kaine, the Commonwealth's Governor.

Nationwide, the number of mental health records submitted by the States to the federal database has doubled since the tragic events of April. I am pleased by this progress, but there are further improvements to be made, as 18 states currently do not submit names to the federal database.

The bill we will pass today will further improve the submission of mental health records nationwide by providing grants to States which undertake projects to make more thorough record submissions.

I also support the changes made by the Senate which strengthen the appeal process provided by the bill for individuals to have their names removed from the database if their mental health records are inaccurate or outdated. These changes will further ensure the accuracy of the National Instant Background Check System.

I commend Mrs. MCCARTHY for her longstanding effort to take these necessary and constructive steps, and I urge passage of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2640, S. 2436, H.R. 4839, and S. 1916.

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

There was no objection.

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

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

HONORING JACKIE WILLIAMS' SERVICE TO OUR DEPLOYED TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina, (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to highlight a true hero of the American home front. While our brave men and women of the armed services are stationed abroad, it is more important than ever that average Americans take steps to remind our military personnel that they are not forgotten.

Jackie Williams of Winston-Salem, North Carolina, is a home-front hero. Ms. Williams, who owns a candy store called Sweeties, has taken her skills as a connoisseur of sweets and used them to brighten the days of our deployed men and women.

To date, she has organized local community organizations, businesses and families to send more than 300 care packages to our troops. These packages, which she has dubbed ''Goodies Ready to Eat,'' or GREs, have been encouraging our men and women in uniform around the world since this past July.

The work and care of Ms. Williams and those like her is a priceless contribution to our troops' morale as they are stationed around the world and away from their families. I applaud her for her commitment to showing our troops that we are thinking of them and look forward to their quick and safe return home.

WAKE FOREST MEN'S SOCCER NATIONAL CHAMPIONSHIP

Ms. FOXX. Madam Speaker, I rise today in celebration of Wake Forest University's national soccer championship win this past weekend. On December 16, the Wake Forest Demon Deacons men's soccer team defeated Ohio State 2–1 in the NCAA's College Cup championship game.

The Deacons scored both of their goals in the second half to come back from a 0–1 deficit to seal the deal for a 2–1 win before a capacity crowd in Cary, North Carolina. The Deacons had 22 wins this year, and their national championship win is a fitting capstone to a long road to victory for Wake Forest soccer.

In the championship game against Ohio State, junior forward Marcus Tracy scored the Deacons' first goal to tie the game with 24 minutes left. It was Tracy's third goal of the College Cup, and helped to earn him the honor of being named the most outstanding offensive player of the College Cup. On the defensive side, goalkeeper Brian Edwards earned the College Cup's outstanding defensive play award.

With the game tied 1–1, Zack Schilawski, a sophomore striker, scored the winning goal on a pass from Tracy with 12 minutes on the clock. This goal propelled Wake Forest to a national championship and snapped Ohio State's 15-game unbeaten streak.

I salute the fine soccer players and coaches at Wake Forest led by Coach Jay Vidovich for winning the University's first national soccer championship. Their inspiring performance is worthy of the most hearty congratulations.

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

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

NICS IMPROVEMENT ACT

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. Madam Speaker, a few minutes ago, H.R. 2640 was passed in this House. This legislation was passed in the year 2002. Late this afternoon, the Senate passed H.R. 2640, which is the NICS bill.

Madam Speaker, this is something that I have been working on for over 11 years to try to reduce gun violence in this Nation. I'm happy to say that, with working with the NRA, the Brady Center, Mr. DINGELL, Mr. COBURN from Oklahoma and Mr. SCHUMER from New York, we have finally come together to pass legislation which, in my opinion, is going to save many lives.

This particular piece of legislation, which many of my constituents and people around the country that watch this know that I've been talking about at least once a week for the last number of years, to me, this is the best Christmas present I could ever receive.

Two weeks ago was the 14th anniversary of my husband's death, and five others. My husband and son were coming home from work, and unfortunately my husband was killed and my son was seriously injured. And it was down the road that my son was recovering that I promised him that I would do all I could to help a family not go through what myself and many other families go through, unfortunately, on a daily basis. And that day has come.

We have seen the Virginia Tech shootings. We have seen the shootings in other parts of the country in the last few weeks. This bill can help save lives, but it also shows that when opposite sides work together, which we should all be doing here in this Congress for the American people, we can do some good.

As I said earlier, I worked with the NRA and I worked with the Brady Center, and we came together with an understanding of putting our differences aside to work out a good piece of legislation. This is a proud moment for Congress. This is a proud moment for the American people to see how we can work together.

I know that there are many on both sides of the issue that feel that some of us are just trying to take away their right to own guns. That has not ever been my intention. I have always just wanted to have gun safety issues put forth so we could save people's lives. This piece of legislation, the NICS Improvement Act, will do that.

There was a little confusion going back that we were going to be hurting our veterans . That is not true. Working with Mr. COBURN, and certainly Mr. DINGELL, we have shown that it is not going to take away the right of our veterans coming home to be able to own a gun. We have clarified the language so that there is no misunderstanding.

I am looking forward to working with my colleagues on both sides of the aisle and both sides of the issue on how we can reduce gun violence in this country because the more we can reduce gun violence, hopefully we can also cut down the 30,000 people that die every year.

I had mentioned last week that since I've been in Congress, 330,000 people have died. That's not counting the amount of people that are injured every single year and what it does for the health care costs of this Nation. When we spend over $2 billion a year on health care costs for those that survive, there is something wrong.

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I am hoping that down the road I can continue to work with the NRA and continue working with the Brady Center to come up with commonsense solutions on how we can save lives without getting into the rhetoric of us trying to take away their guns or guns don't kill. That is not the debate. The debate is how are we going to keep the guns away from people that shouldn't be able to own guns.

Madam Speaker, I wish everybody a merry Christmas. This will save lives, and this is devoted to the victims that have been hurt over these many years.

I'd like to thank my good friend Congressman DINGELL for all of his hard work in making this moment a reality. I'd also like to thank my friend Senator SCHUMER for carrying this legislation through the Senate.

Today is five years in the making.

On March 12, 2002, a senseless shooting took the lives of a priest and a parishioner, Mrs. Tosner, at the Our Lady of Peace Church in Lynbrook, New York. The man who committed this double murder had a disqualifying mental health condition and a restraining order against him, but passed a background check because his personal history was not entered into the NICS database.

This same scenario happens every day.

The shooter in the Virginia Tech massacre was prohibited from purchasing a firearm. Unfortunately, flaws in the NICS system allowed his record to slip through the cracks.

He was able to purchase two handguns, and used them to brutally murder thirty two individuals. We saw this trend continue last week with shootings in Nebraska and Colorado.

Individuals who shouldn't have access to guns are getting them with ease are our killing innocent people.

The NICS system is supposed to prevent this from happening, but a database is only as good as the information put in it and many states don't have the resources to keep the NICS database up to date.

The National Instant Criminal Background Check System, or NICS, is deeply flawed.

Millions of criminal records are not accessible by ICS and millions others are missing critical data, such as arrest dispositions, due to data backlogs.The primary cause of delay in NICS background checks is the lack of updates due to funding and technology issues in the states.

Many states have not automated the records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence. Simply, put, the NICS system must be updated on both the state and federal level.

According to a Third Way report, over ninety one percent of those adjudicated for mental illness cannot be stopped by a background check due to flaws in the system. But this issue allows other barred individuals to purchase firearms. Twenty five percent of felony convictions do not make it into the NICS system.

That is why I introduced the NICS Improvement Act.

My bill would require all states to provide the NICS system with the relevant records needed to conduct effective background checks. It is the state's responsibility to ensure this information is current and accurate. They must update the records to ensure violent criminals do not have access to firearms.

However, I recognize, many state budgets are already overburdened.

This legislation would provide grants to states to update their records into the NICS system. States would get the funds they need to make sure records relevant to NICS are up to date.

While the NICS system does have major flaws, it is responsible for preventing thousands of barred individuals from purchasing firearms.

Approximately nine-hundred and sixteen thousand individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, when the NICS system began operating, and December 31, 2004.

During this same period, nearly forty nine million Brady background checks were processed through NICS. By improving upon the NICS system, we can stop criminals from falling through the cracks. Today, we are one step closer to bringing the records of millions of barred individuals into the NICS system.

No system will be perfect, but that does not mean we should not work to make improvements. This is good policy that will save lives and should be passed by the House. My legislation imposes no new restrictions on gun owners and does not infringe on the 2nd Amendment rights of law-abiding citizens. In fact, similar legislation passed the House in 2002.

Today, Congress will stand up for the victims and pass common-sense legislation. This is the best Christmas present Congress could give those whose lives have been changed by gun violence.

This legislation will help ensure that people who are legally ineligible to purchase a gun will not be able to purchase them.

This bill poses no new burden on law-abiding gun owners or gun sellers. It simply enforces current law. This legislation has the widest range of support imaginable. The National Rifle Association and the Brady Campaign have endorsed this legislation.

We have worked across both partisan and ideological aisles to make this bill law. The cooperation from members of both parties and from people on both sides of the gun issue should serve as a model for this Congress.

We can work together to find common sense solutions to our problems. These problems shouldn't divide us, but bring us together to make our country a safer and better place.

Personally, this is a very important moment for me. I have been fighting for common sense gun laws for 14 years since my own life was changed forever by gun violence.

Tonight, I'm one step closer to the goal of making sure other families never have to experience what mine did 14 years ago.

Madam Speaker, I thank you for the opportunity to speak on this issue that is so important to me and other Americans whose lives have been affected by gun violence.

PATRIOT WEEK IN TRENTON, NEW JERSEY

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

Mr. HOLT. Madam Speaker, I rise today to call the attention of my colleagues to Patriot Week in Trenton, New Jersey. On December 26, 1776, Colonial soldiers under the command of General George Washington crossed the Delaware River and engaged in the first Battle of Trenton. As Thomas Paine wrote, this happened during ''times that try men's souls; the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.''

On this historic day more than two centuries ago, over 2,400 patriots proved that they were not summer soldiers, battling their way through a winter sleet storm, strong winds and the ice-strewn Delaware River. Against all odds, Washington and his soldiers completed the crossing, marched silently to Trenton on Christmas night with cannon, and arrived taking the Hessian garrison by surprise. This engagement, followed by the pivotal Battle of Princeton, has been called ''the beginning of the winning.''

The crossing of the Delaware is a story that must be told again and again so all generations will know this feat and the new life it gave the American Revolution. On December 26 through 31 of this year, again this year, the Trenton Downtown Association will celebrate the 131st anniversary of this history-changing event through Patriot Week, the largest Revolutionary War festival in America.

Patriot Week in the Trenton area will include over 50 events, including the reenactment of Washington's crossing of the Delaware, puppet shows and other children's activities, tours by bus and on foot, and lectures and panel discussions. These events will help pass down this great and important story to our children and to adults, the story of the War for Independence. I am sure these events will be both informative and entertaining, as they have been in previous years, and I look forward to attending some of these events myself.

I am proud that in my central New Jersey district we honor the sacrifices that were made to found this great Nation through events like Patriot Week and through the Crossroads of the American Revolution which commemorates 14 counties in New Jersey where the War for Independence took place.

However, our battles against Britain for a free and democratic nation took place in over 19 States and over two wars, and each of these States has its own unique story about its role in the American Revolution and the War of 1812. Many States, however, have not taken sufficient steps to preserve the sites of those battles. Out of the 825 significant battlefields and associated sites of the American Revolution and the War of 1812, more than 100 of these battlefields have been lost, about 250 are in fragmented or poor condition, and another 220 are in danger of being destroyed within the next few years. Therefore, some of us have sponsored here in the House of Representatives the Revolutionary War and the War of 1812 Battlefield Protection Act, H.R. 160, and the Revolutionary War and War of 1812 Commemorative Coin Act, H.R. 158. H.R. 160 would create a national program for the preservation of historic battlefields. It would allow officials of the American Battlefield Protection Program to collaborate with State and local governments and nonprofit organizations to preserve and protect the most endangered historical sites and to provide up to 50 percent of the cost of purchasing battlefield land threatened by sprawl and commercial development. H.R. 158 would provide the necessary funding for these purchases by authorizing the creation and issuance of commemorative coins for these two wars.

History is best understood by those who have had the opportunity to touch it, experience it and live it. On December 26 through 31, over 4,000 people will be reliving the history of the Battle of Trenton during Patriot Week. It is my hope that Congress will pass H.R. 160 and H.R. 158 to allow other States the privilege of preserving their historic battlefields where their citizens, and

all citizens, can experience the history of the founding of our great Nation.

IN MEMORY OF REUBEN WHEATLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Again, Madam Speaker, it is a privilege to be speaking to my colleagues as you preside over this Chamber, and we thank you for your leadership.

I am privileged this evening to be able to stand on the floor of the House and salute a very dear friend, a friend who will commemorate and celebrate for his homegoing ceremony on this coming Friday, December 21, 2007. We will lay this battle-worn warrior, this friendly and wonderful public servant, Reuben Wheatley, to rest. I stand here as a longstanding friend, as a grateful member of his community, for all that he did to promote equality and justice and freedom.

Yes, Reuben Wheatley, born September 15, 1921 was, in fact, a member of the movement both in terms of creating opportunities for those of African American heritage and others and as well in fighting for the working men and women of America.

He was the proud son of Fifth Ward. Yes, that is in Houston, Texas, but everybody knows there is something called proudly Fifth Ward, Texas. Educated in the Houston Independent School District, and certainly whenever you would see Reuben, he would talk about his beloved Wheatley High School, Phyllis Wheatley High School, and he was an all-star member of the track team, the football team and the basketball team. And he was quick, regal, tall and quick. They called him ''Rabbit.'' He joined the church at the Sloan Memorial United Methodist Church, a church still standing proudly in Fifth Ward.

But yet as this young man grew, he loved this Nation. And in 1941 he heeded the call of this Nation, the need of this Nation and went to war, World War II. He participated in the European Theater of Operations and was honorably discharged by the United States Army as master sergeant. He had the good sense, if you will, when he returned to marry Helen McCree his high school sweetheart, on November 18, 1945.

How grateful we are that he was one of the returning heroes, that as he battled in World War II, he lived to be able to enjoy the partnership, friendship and love of Helen McCree, now his wife, Helen Wheatley.

His father was a longshoreman, and in those days, the union and working for the union and working for the longshoremen, that was a job for African Americans that was a legacy, an opportunity, a step up. And so when he came back from the war, he joined in the footsteps of his father and became a member of the International Longshoremen's Association, Local Number 872.

And boy, did he become a member, and did he not serve. Reuben Wheatley had his hands on the pulse of the community. He understood the importance and the necessity of empowerment of minorities. He was one of the champions of the election of the Honorable Barbara Jordan. Almost every elected person that could come out of Fifth Ward, Reuben Wheatley was there. He was there for Mickey Leland. And I am so grateful that he stretched his arms to be there for SHEILA JACKSON-LEE. As I ran for judge and city council, he saw in me something worth investing in.

Thank you, Reuben, and thank you to your wonderful family, your daughters, who you love so dearly, one in particular was named the name that I have, Sheila. And she, of course, along with her siblings were stars, and they were that because of Reuben and his wife Helen.

And so I am here today to thank you, Reuben, for now you fly where the angels fly. Thank you, Reuben, for being regal and tall. Thank you for smiling. Thank you for loving. Thank you for being that star at Wheatley so that your classmates can enjoy talking about your exploits on the football field, the basketball court, and the track, and yes, to remember that friendly name, ''Rabbit.''

Thank you for your faith and your commitment to your country. Thank you for your commitment, again, to family. Houston, Texas, the State of Texas and certainly our Nation is better because you yet lived. On Friday, it will be a celebration. Although tears will fall, we will be so grateful to continue to see you even as I speak, walking lightly in front of us.

Madam Speaker, it is certainly great to be able to say tonight, ''Well done, thou good and faithful servant.'' And that is what we say to Reuben Wheatley as he is laid to rest. We celebrate him and congratulate his life. God bless the family, and God bless him as he rests.

CONGRESSIONAL RESOLUTION IN MEMORY OF REUBEN WHEATLEY

Whereas, on September 15, 1921, God blessed Emory McMillan, Sr and Creola Boyd Wheatley with the birth of their son, Reuben; and

Whereas, as a proud son of the Fifth Ward, Texas Wheatley clan, Reuben was educated in the Houston Independent School District. At his beloved Phillis Wheatley High School, he excelled in football, basketball, and track and field earning the nickname ''Rabbit''; and

Whereas, Reuben was presented to Christ by his parents at Sloan Memorial United Methodist Church. He later joined his bride at Pleasant Grove Missionary Baptist Church and subsequently, both as faithful servants of the Lord, joined Brentwood Baptist Church; and

Whereas, in 1941, Reuben honored the call to serve his country during World War II. He participated in the European Theater of Operations and was honorably discharged from the United States Army as Master Sergeant. Upon his return from the service in 1945, Reuben married Helen McCree, his high school sweetheart, on November 18th; and

Whereas, in 1946, Reuben began his career along the shore working on the Houston docks where his father had worked since 1921. He was a member of International Longshoremen's Association, Local #872; and

Whereas, he served his home local as Trustee, Recording Secretary and Business Agent before being elected President in 1971. In 1975, he became Executive Vice President of the South Atlantic and Gulf Coast District of the ILA; and

Whereas, he served as an active board member of Family Services of Greater Houston and an avid financial supporter of the United Negro College Fund; and

Whereas, Reuben was deeply committed to his community and his civic involvement reflected his concerns; and

Whereas, the memory of Reuben Wheatley will forever be in our hearts and minds as we go forth to celebrate his life today; and now, therefore, be it

Resolved, That on behalf of the constituents of the Eighteenth Congressional District of Texas, Reuben Wheatley will be remembered for his devotion to his family, his community service, and his passion for music. His life will serve as an example to all of us to continue his legacy to serve others. His death is a great loss to us, but we know that his work on Earth is finished, and we believe the Master will say, ''Well done, thou good and faithful servant, enter. . . .''

A NEW DEBATE REGARDING LIBERTY, SOVEREIGNTY AND PROSPERITY OF THE AMERICAN PEOPLE

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

Mr. MCCOTTER. Madam Speaker, I know that it is getting close to closing time, and I am in the unenviable position of being between so many good people and the door, so I will try to make sure that I give a truncated version of my simple desultory philippic to my constituents.

We in Congress are charged with the sacred duty of heeding and serving our constituents' aspirations and addressing their tribulations. We also have the responsibility of offering them a national vision and purpose and, most importantly, of putting them first in policymaking, which is why I have risen today to again lay before my constituents what I believe to be the four great generational challenges facing the United States of America.

Like the Greatest Generation, we face four challenges. The Greatest Generation, due to the rise of industrialization, faced social, economic and political turmoil. They faced a world war for freedom against an abjectly evil enemy. They faced the rise of the Soviet superstate as a rival model of governance and strategic threat, and they faced the moral question of whether the constitutional rights of all Americans applied equally regardless of race.

This generation of Americans in the age of globalization faces social, political and economic turmoil. We face a

world war for freedom against an intrinsically evil enemy. We face the rise of the Communist Chinese superstate as a rival model of governance and strategic threat, and we face the question of whether moral relativism will erode the foundations of a Nation built upon self-evident truths.

The Greatest Generation faced their challenges consecutively. This generation of Americans faces their challenges simultaneously. In the past year, this Congress, sometimes together, sometimes not, have striven to address some of these challenges, and I would like to quickly go through a couple of them.

In the area of globalization's economic, social and political upheavals, we have seen a continued emphasis on the role of the centralized Federal Government. This is done through taxation, increases in taxation and increases in spending. It is my belief that if we continue to build the monument to Big Government on the backs of the American taxpayer, we will exacerbate the economic and social turmoil, and, yes, political turmoil that they are experiencing. I believe what we need to do is go back to the fundamental concept and change the debate.

The debate about people's money staying in their pockets and about the government spending people's money, which was taken from their pockets, should be this: We must stop discussing how quickly government spending grows and start getting back to talking about how quickly government spending is reduced, because this directly affects the liberty, sovereignty and prosperity of the American people.

□ 1830

And, at least in my District, they feel they are in short supply of their own money and don't believe the Federal Government needs to take more from them.

In the war for freedom, we have seen a change of course in Iraq. It has been contentious and it has been difficult on the political level here in Washington. But, fortunately, progress in Iraq and with our troops is occurring. There is a long way to go, as we know from the fact that so many of our friends and family members that are serving in the military are not home with us for this holiday Christmas season.

But what we have seen, and I want to explain it again, is a fundamental change of course in this sense. The past mistakes of the reconstruction effort were based upon the imposition of a system, a system of governance and a system that was perceived to lead to prosperity. What is now being done, which is much more important and is a lesson for future generations of American policymakers, is that democracy cannot be imposed, liberty can be unleashed. When liberty is unleashed, when a people finally breathe free, as General Petraeus' plan recognizes, we must help them fashion their representative institutions in their own way.

In Iraq, this is being seen through local reconciliation, where you're beginning to see people who are finally out from underneath the oppressive Saddam Hussein regime and starting to come out from the oppressive reign of terror of al Qaeda and other murderers in the country who would take it back to a time when the government ruled through the bullet rather than through the ballot.

What we are seeing is them working with tribal leaders, religious leaders, pillars of order in their community, to begin to reconcile themselves to each other, to begin to recognize the future that they may have if they remain free and resolute in the face of evil. And you are beginning to see this national reconciliation lead to the reduction of violence in Iraq, and you will continue to see it if we remain courageous and remain prudent in our policies. You will continue to see this grow and evolve into a national reconciliation process. Again, this will not happen overnight, but at least this has occurred.

Unfortunately, in my mind, on the third great generational challenge we face, which is Communist China's rise as a strategic threat and rival model of governance, the administration and this Congress have largely continued their policy of unconditional engagement. I think the American people are much further ahead of policymakers in this instance.

As we have recently seen from the U.S.-China Economic Security Review Commission's report, people who are worried about dangerous imported products from Communist China should be. According to the Economic Security Review Commission's report, because of the closed system of the communist government in China, it is impossible or extremely difficult with any certainty to determine what products are defective or not before they arrive, and it is going to be increasingly difficult as time goes on as the regime consolidates its hold, which means that there is no simple resolution to the issue. We are trying to allow imports from Communist China to come in by spending more American taxpayer moneys on customs or inspections to allow these products to come in, because we will never know with certainty whether they are defective or not because, again, the closed nature of the Communist Chinese regime.

We have also seen in the area of national security repeated attacks by the People's Liberation Army through attacks on America's existing computer networks, both in industry and financial services, and in the United States Government itself. For example, what the Communist Chinese Government likes to do is set up front companies for people who are former members of the People's Liberation Army, and in this instance, we use the name Huawei, that is what it is called, which is trying to purchase a major U.S. supplier of cyberdefense technologies.

Now, this is still, at my last understanding, pending in front of the Committee on Foreign Investment in the United States, despite the fact that our own Office for National Intelligence has told us this is a strategic threat to the United States. Now, how is this occurring? This is occurring because people wish to refuse to believe that the Communist Chinese Government is engaged in massive espionage against the United States of America, both in terms of our private sector and in terms of our public sector, i.e., our Pentagon as being one prime example.

The reason that Americans or their policymakers are so loath to recognize this fact is because there is not a whole lot of support to be anticommunist anywhere, except from the American people. Well, I prefer to have that support than any kind of political or economic elite's momentary approbation. In fact, it was the Economic Security Commission's report that actually steeled my convictions and helped me with this, because we were now able to tell people that according to the Economic Security Review Commission, Communist China's espionage against the United States firms and our governmental entities is likely the number one strategic threat that we are facing at the present time.

So we will continue to work and push on this, not only because this is a strategic threat to us, but also, more importantly, the second part of the equation. Communist China is presenting itself to the world as a rival model of governance to Western democracies. The fundamental tenet of the Communist Chinese approach is this: That liberty is a danger to their people's prosperity and security. I am going to repeat this. The Communist Chinese Government believes that its own people's liberty are a danger, a danger to their stability and prosperity.

This is a direct contradiction to what we believe here in America and in the free world is that people's liberty leads to a nation's stability and prosperity. The reason this is dangerous is we need not look any further than Time Magazine's current Man of the Year to see that this school of thought, this neocommunism has advocates amongst people who were former communists, such as the former President of Russia, Lieutenant Colonel Retired Vladimir Putin.

As we watch Russia slide from the first steps in democracy back towards autocracy, it is Putin who is telling his people that their liberty stopped their prosperity and stability under the Yeltsin years, and if they just cede more liberty, they will again have stability and they will finally have prosperity.

Other tyrants throughout the world are watching this, from Chavez in Venezuela to Castro in Cuba, who is still clinging to power, and they are watching to see in the coming years, in the coming decades, what will be the preferred model of governance in the world.

Now, we know what the dictators would like. We know what all those who would subjugate their fellow human beings beneath their ideological bents would prefer to see. They would prefer to see liberty considered a danger, a threat, to humanity's stability and prosperity.

We will find them continuing to echo the siren song that we hear from people in Beijing and Moscow and elsewhere that echoes the words that we heard from Dostoevsky's Grand Inquisitor, ''Give them miracle, mystery and authority, but above all, give them bread.''

It is a materialist philosophy, it is a cynical philosophy, it is a neocommunist philosophy which we in the United States and the free world must reject. We must again reassert the primacy of liberty to all human beings as their divine right endowed to them by their creator and that the view of our free people that the future belongs to free nations, remains intact, not only for ourselves, but for all those who are oppressed and yearning to breathe free.

In the fourth area, the question of moral relativism eroding our foundational truth, we see this every day. We see this every day in the areas of faith, family, community and country. This Congress needs to do more to help reaffirm the historic role and the critical role that it currently plays, that faith currently plays in the lives of the American people and in the life and perpetuation of the American Republic.

Fortunately, Congressman RANDY FORBES, I believe, is going to be introducing a resolution to do just this, and to remind people that the constitutional right under the first amendment is to the free exercise of free religion. It is not for the freedom from religion. It is not for the excoriation of religion and faith from the public square.

In the area of family, we continue to see erosions by the State upon the parents' sovereign and I believe inviolable powers to impart their moral teachings to their children. We have seen this in Maine, where the situation was presented to parents where if you did not want your child to get birth control under the school medical program, then your child would get no health care at all.

This is a diabolical dilemma presented to parents, and there are some that are occurring throughout the country in various locales that are unreported, and this must stop. A parent's right to raise their child and impart their moral teachings to them, the inviability of the parental family structure, of the parent-child relationship, must be respected by this government, must be respected by all governments, and we must take appropriate steps to see that that continues.

In the area of community, we must do more to ensure that the voluntary mediating institutions, nongovernmental institutions, remain intact as a buffer between the sovereign American people and their subservient government.

What de Tocqueville saw when he went through the United States of America and what he expressed to us must always be remembered, that the true strength of America lies in its voluntary associations and its individual senses of community, which then grow upward into the grand Republic which we now have inherited.

If the government goes out of its way to continue to make it difficult for people to join volunteer associations or begins to let it be known or to subtly or directly try to coerce volunteer associations as the Boy Scouts and Girl Scouts, or such as Rotaries, Kiwanises and Chambers of Commerce, or, yes, labor unions, if these voluntary associations are infringed or encroached or eclipsed by the Federal Government, we are going to continue to see an atomization of individuals from their sense of community and we will continue to see a devolution of the true public purpose that is expressed by citizens in our Republic even today.

Finally, in the area of country, certainly we must do more to remind Americans not only of their civic rights and duties as citizens of the United States, but also the history of the United States. How can any individual citizen who is unaware of their rights, who is unaware of their duties, who is unaware of how a bill becomes law, how a constitutional amendment is adopted, how Congress spends money or who has the power of the purse, if they do not understand this, if they do not understand the history of their country, where we have been, where we are going, where we hope to, then they will be like lambs led before the shepherd of big government, because they will not know how to think for themselves in relation to government nor how to defend themselves from government actions and policies when necessary. This fourth area we must not overlook, because in many ways it is one of the most critical.

That is why when in facing these challenges, I believe it is important that we remember our shared American philosophical heritage, which is this: Men and women are transcendent children of God, equally endowed by their creator with inalienable rights.

Secondly, government was instituted to defend citizens' inalienable rights and to facilitate citizens' pursuit of good and true happiness.

Third, over the generations, divine providence has established and revealed through tradition, prescriptive rights and custom within communities, how order, justice and freedom, each essential, coequal and mutually reinforcing, are best arranged and nurtured for humanity to pursue the good and true happiness.

Finally, human happiness is endangered by every political ideology, for each is premised upon abstract ideas. Each claims a superior insight into human nature not revealed through historical experience, each proffers a secular utopia unattainable by an imperfect humanity, and each demands an omnipotent centralized government to forcefully impose its vision upon an unenlightened and unwilling population.

This is a shared heritage that transcends simply Republicanism or Democratism, for this is what was in the seminal documents of our Nation and this is what our Founders set out to do. It is from this shared philosophical tradition that we have been able to see in the United States the creation and perpetuation, even up to our generation, of American excellence.

Now, American excellence has a foundation and four cornerstones. Each of these is mutually reinforcing. Americans understand that our excellence is built upon a foundation of liberty, and the four cornerstones are sovereignty, security, prosperity and truth.

□ 1845

If we think about them individually, it becomes much more clear. Your liberty comes from God, not the government. Your sovereignty is in your soul, not in the soil. Your security comes not from the thin hopes of appeasement, your security comes from our collective love of liberty and from the courage of our fellow citizen soldiers who defend us in hours of maximum danger. Our prosperity comes from the innovation and perspiration of free people engaged in free enterprise, not from the growth of a government or from centralized planning or from higher taxes or from increased government spending. And, finally, our truths are communal. They have preserved over time. They have been perpetuated by families and institutions of faith and voluntary associations, and we revere them every day by voluntarily celebrating a culture of life.

This is what American exceptionalism is supported by. If we turn our back on that concept, then America is no longer an excellent Nation. If we go back and try to determine that somehow America exists to emulate other nations rather than America existing to inspire the world, we will be cheating our future generations of Americans of the legacy which we ourselves have inherited and which we ourselves so enjoy.

It seems to me that in this period of time that is very difficult, we must also make sure that we remember to have two goals as elected officials in this Congress. I think that the first goal we should have is to prevent the centralized Federal Government from growing ever larger and unaccountable by taking citizens' liberty and prosperity. And that is what happens through taxing and spending powers. And we must also reduce and decentralize the Federal Government and empower Americans to exercise their inherited and inalienable rights within

a culture of faith, family, community, and country.

To obtain these goals, I believe that we must take the following critical steps: One, we must empower the sovereign American people to protect and promote their God-given and constitutionally recognized and protected rights. All policies that we pursue should promote the decentralization of Federal governmental powers to the American people or to their most appropriate and closest unit of government. I believe we must also defend Americans' enduring moral order of faith, family, community, and country from all enemies. We must foster a dynamic market of entrepreneurial opportunity for all Americans. And we must honor and nurture humanity of scale and Americans' relations and endeavors.

This last point I would like to emphasize a little more directly. In the age of globalization, much like the age of industrialization, average Americans often felt that so many things were occurring to them outside of their control that they felt almost impotent in the face of the major changes that were occurring to them and radically altering their traditional way of life and their livelihoods. Fortunately, in the age of industrialization, Presidents with vision from Theodore Roosevelt to Franklin Roosevelt were able to help Americans through that transformational time.

We too must have such sagacity, because we too must recognize that in the age of globalization Americans oftentimes feel powerless against many of the forces that are shaping and radically altering their lives. And they look to the Federal Government, their duly elected servants, to try to help make sense of it, to try to help alleviate their sense of danger. And we must do this. We must do this with empathy, we must do this with creativity, we must do it with integrity. For to simply deny it does not exist or to simply say that somehow there are these mechanical determinative forces out there that no one can control such as globalization is not to do the American people justice, it is not to do ourselves any honor, or to provide to ourselves any honor in their service.

We can impact decisions that are the result of human decisions. Globalization is not a deterministic, mechanistic force, much as Engels and Marx said communism was and much as many of the globalists today say free trade is or any other economic determinative. This is not outside of people's control. People can still think their way through it. They can make sound policies within your Federal Government, with your help. And we can try to get through this difficult time with as little social, economic and political turmoil as we can. Or, instead, we can turn a blind eye to it, and we can watch as people continue to suffer many of the effects of globalization which could be ameliorated and which must be ameliorated.

Madam Speaker, I know the hour is late so I will not dawdle much longer. But I just want to say that while we have come to find ourselves in a global age, it is a perilous global age, but it is not a global age without hope. We are not the first generation of Americans; we are not the first people on this earth to face momentous challenges. And I believe that, like our fellow Americans before us and so many Americans, we will meet these challenges and we will transcend them. I believe we will preserve American excellence. I believe we will promote and defend the institutions of faith, family, community, and country against all enemies. And I believe that one day future generations of Americans will look back and say, well, they argued a lot; but they had a lot to argue about, but in the end they managed to get it right and we remain a free people. And I believe that the United States of America then, to the rest of the world, will be an inspiration to them for all the oppressed, for all those who yearn to breathe free, and that they will never lose hope that some day they, too, will enjoy in their own homes what we enjoy in ours.

Again, it will not be easy, it will not be immediate, but it will be done. We will preserve our shared heritage of freedom, and we will ensure that the permanent things amidst our ephemeral existence are preserved for future generations to come, because it is imperative that we make sure that things such as love, truth, beauty, justice, and honor remain because they surpasseth all politics and they give meaning to our somewhat troubled and yet ultimately majestic existence.

Madam Speaker, I would like to conclude my remarks by expressing my personal and my constituents' sincere appreciation and heartfelt prayers for the men and women who are serving the cause of freedom overseas in Iraq and Afghanistan and elsewhere throughout the world, as well as extending them to their families. May God continue to bless them and all of the majestic American people.

REVISIONS TO THE ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2008 THRU 2012

The Speaker pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 301, 304(a), and 320(a) and (c) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of S. 2499 (Medicare, Medicaid and SCHIP Extension Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	−4,877	−4,886	−313	−983	5,017	4,157
Energy and Commerce	−1	−1	366	362	−59	−63
Ways and Means	0	0	532	532	37	37
Change in Medicare, Medicaid, and SCHIP Extension Act (S. 2499):						
Education and Labor	0	0	25	6	25	18
Energy and Commerce	0	0	1,142	1,141	1,755	1,753
Ways and Means	0	0	2,298	3,497	−1,851	−1,851
Total	0	0	3,465	4,644	−71	−80
Revised allocation:						
Education and Labor	−4,877	−4,886	−288	−977	5,042	4,175
Energy and Commerce	−1	−1	1,508	1,503	1,696	1,690
Ways and Means	0	0	2,830	4,029	−1,814	−1,814

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008 [1]	Fiscal Years 2008–2012
Current Aggregates: [2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353.954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in Medicare, Medicaid, and SCHIP Extension Act (S. 2499):			
Budget Authority	0	3,465	n.a.
Outlays	0	4,644	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,250,680	2,354,461	n.a.
Outlays	2,263,759	2,358,598	n.a.
Revenues	1,900,340	2,015,841	11,137,671

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.
[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

Madam Speaker, under section 321 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget aggregates for the fiscal year period of 2008 through 2012. This is in response to the Senate Amendment to H.R. 3996, The Temporary Tax Relief Act of 2007. A table is attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008 [1]	Fiscal Years 2008–2012
Current Aggregates: [2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in Temporary Tax Relief Act (H.R. 3996):			
Budget Authority	0	0	n.a.
Outlays	0	0	n.a.
Revenues	0	0	179,816
Revised Aggregates:			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,317,487

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.
[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 924. An act to strengthen the United States Coast Guard's Integrated Deepwater Program.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. Con. Res. 61) ''Concurrent Resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House.''

30-SOMETHING WORKING GROUP

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

Mr. MEEK of Florida. Madam Speaker, it is an honor to be before the House once again. Last night we didn't know when we would end today, and we did a lot of thank-yous and good-byes and seeing the good people that we work with here in the Capitol next year. But we wanted to come to the floor, and I know that Mr. RYAN and Ms. WASSERMAN SCHULTZ and Mr. ALTMIRE and others will be coming down to give their closing comments. But, Madam Speaker, I think it is important for us to shed light on the actions of not only today, but the last 24 hours, what has happened, what will happen in the upcoming year, and all of the things that this first historic session of the 110th Congress and this New Direction Congress has accomplished.

Many times I have been on the floor and we talked about the difference between the glory and the story. And whenever there is glory, there is a story that is untold, and very few know about the story part. I think it is important, especially as we start to look at this point and look at where we are now as a country and where we are getting ready to go and where we have been in the recent past.

Two wars going on, an economic downturn, Americans losing their homes as it relates to mortgages. Also, issues that our servicemen and women have to face of not being with their family members at this very holy time of the year. And, Madam Speaker, if I can, I want to not only read into the RECORD but also share with the Members some of the things that we have done this past year in a bipartisan way, in my opinion, in many cases major pieces of legislation, and some we still have impasse on and we are going to have to work on it the next session.

I think it is important when we start looking at what this Congress accomplished, because we started out with saying that we had a Six in '06 agenda within the first 100 hours of this Congress. And if you listened to the President, the President may say, well, the Congress is not doing much. That is his opinion. Well, that is very interesting, because I remember being a part of Congress when we came in on Tuesday night and we left mid-day Thursday and got very little done. This Congress did everything but sit around and not respond to the needs of the American people.

We actually came here and we made America safer by passing the 9/11 Commission recommendations to protect America from terrorism. We also brought the largest veterans health care funding increase in the history of the VA. And I think that is important. You hear me speak very passionately about those that have laid it down, those that have put everything on the line so that we can salute one flag today.

We also passed an energy package which is historic, that is putting forth standards, increasing fuel efficiency standards to 35 miles per gallon by 2010, slash U.S. oil consumption by more than 4 million barrels per day by

2030. These are benchmarks that we want to meet as a country so that we can protect this earth for future generations and for the present generation. Also, expanding American-grown biofuels to 35 billion gallons by 2020, creating American jobs while we are doing it.

I think it is important for us to point back at the largest college aid expansion since the GI Bill in 1944, that cut interest rates in half on behalf of families that are trying to afford to educate their children and young people that are borrowing money to be able to educate themselves in many cases.

The first increase in the minimum wage in a decade.

I mean, the things that I am mentioning here, Madam Speaker, are accomplishments that I think far surpass my first two terms in Congress under Republican control. We did a lot of things for a lot of super-wealthy people. We carried out acts on behalf of special interests that the average American would never have an opportunity to enjoy. Here on this floor, we spent 4 years talking about what we would do if we got the opportunity, and that we have done it and we are still doing it. And it is not over and we are still in this story mode.

Our innovation agenda, promoting 21st century jobs for a global economy, is another accomplishment of this Congress. Aid to the Gulf Coast recovering from Hurricane Katrina and Rita. Waiving the Stafford Act requirements, the matching dollars, so that those communities and that gulf area will be able to recover. Just like Miami, just like your City of New York after 9/11, just like San Francisco had that waiver, we made sure that those gulf states and also those Americans down there that were struggling, that their cities are able to come back and their parishes are able to come back.

I think it is also important for us to look at the tax cut that passed this floor today for 19 million middle-class Americans that were facing an AMT hike because every year Republicans have treated it as though it is some sort of new thing by borrowing the money. Now, today there was legislation that came over from the Senate that we ended up voting and paying for because we wanted to make sure that firefighters and everyday first responders and those that are teachers that fall within that AMT that we call it, alternative minimum tax, make sure that they don't have to pay a higher tax.

Personally, Madam Speaker, because so many times here on this floor we talk about balancing the budget, making sure that we don't borrow on the backs of our children, I am committed that we are going to work out a way that we can vote for something that is paid for and that we can make sure that we make it happen without shutting the whole tax process down. I personally voted against paying for it with borrowed money, but I think that so many of my colleagues on both sides of the aisle that voted for it, to borrow the money today because we are in a crisis situation, we are going to be facing tough votes in the future. As we borrow from China, as we borrow from these other nations that not necessarily have our best interests at heart, I think it is important that we pay attention to that.

We worked very hard, this is a part of this story, we are not quite there yet, on the whole SCHIP legislation, which is the health care for 10 million children. We did reauthorize the existing program at the existing numbers so that we would not have crisis in the States where kids are depending on this health care. These are things that we have to do because we have to do them for now. But I can tell you, and I hope that the American people are paying very close attention, about the effort that this Congress has put forth, Mr. ALTMIRE, to make sure that we keep this government functional, that we try to run the government in a fiscal way, that we try to make sure that those that have been literally cut off from Federal assistance, that we are able to bring that assistance back to not only build States but also build communities and make sure that the U.S. taxpayers get what they deserve.

□ 1900

A couple of other points. I think it is also important that we look at restoring accountability, earmark lobbying, ethics reform. We have done all of that. It is all transparent and it is all there to make sure that integrity of the government is here. And we passed the pay-as-you-go rule that was adopted.

A number of other initiatives have passed this floor, and more rollcall votes have been taken in this first session of Congress. So really what we have done as Democrats and especially, Madam Speaker, you and Mr. ALTMIRE and others who have joined this Congress in this session, should be very proud going back home talking about the new day and the new direction that you ran for, that you played a role in moving this Congress into a new direction, and that is what we have done.

Mr. ALTMIRE. I appreciate the gentleman from Florida taking the lead in putting this hour together tonight.

Starting tomorrow, I am going to go around my district and talk about what we have done in this Congress. For me, this is an exciting time. As a freshman Member of Congress wrapping up our first year, the gentleman is correct, we have some enormous achievements to talk about. Right from the very first day, something that we talked about last night, we did reform of the ethics process here in the House of Representatives, including PAYGO budget scoring. PAYGO is something that business owners across the country know, and every person that runs their household knows. It is what you do with your own home checkbook. You have to have money on one side of the equation to spend it on the other. If you want to decrease revenues or increase spending, you have to have an offset. That is something that we did on the very first day.

That used to be the case in the House of Representatives. It was put into place in 1990, as the gentleman certainly knows. It led to the record surpluses of the 1990s when we had four consecutive budget surpluses following the all-time record deficits of the 1980s.

Unfortunately, when this administration took office in 2001, they did away with PAYGO and the Republican Congress at that time agreed that PAYGO shouldn't be expanded and reauthorized. And as a result, we now have had seven consecutive budget deficits, deficits that are forecast as far as the eye can see.

The most troubling part of those deficits is when we are borrowing against our children and grandchildren, putting our increased spending on the credit card and letting them take care of it later, the most troubling part is who is holding this debt that we are creating. And the gentleman from Florida was very articulate when he talked about the foreign-held debt and that this administration in the first 6 years added more foreign-held debt to this country than his 42 predecessors combined in 230 years.

So we have an administration that has no standing to lecture us, this new Congress, on fiscal responsibility coming as the all-time highest spending administration and record deficits.

So what we did on the very first day was put in place PAYGO budget scoring. We took a vote today, our last day, on the alternative minimum tax. And a lot of Members on the other side of the aisle talked about the fact that this is the first bill of this new Congress that did not comply with PAYGO scoring because we had to lower taxes for 23 million Americans because those are Americans that would have seen an increase in their taxes had this Congress not taken clear and decisive action today.

And we did it. One of the things about this job which I am finding out as a new freshman, and the gentleman from Florida and the gentleman from Ohio have known for a long time, you have to make tough choices. One of the choices we had to make today was the Senate sent us a bill that I wasn't entirely happy with. I didn't like the fact that the other body made a decision not to comply with pay-as-you-go. I had a choice to make, and I chose to lower taxes for 23 million Americans, 70,000 in the district in western Pennsylvania that I represent.

Now we will have to pay for that in the future, and hopefully we will do that as one of the first orders of business when we come back after the holiday break. But I am proud of the accomplishments of this Congress. I am proud of the fact that we can go home and talk about raising the minimum wage for the first time in 10 years.

Is there any other segment of our society that can say that they haven't seen even a cost-of-living adjustment, even a minor increase in their pay in the last 10 years? I don't think there is. So, for the first, time we raised the minimum wage.

We have an energy bill to talk about. The first time in 30 years that we have increased the mileage standards, the average mile-per-gallon standards of the fleet serving this country, foreign and domestic automobiles. That is a major accomplishment. Something that hasn't been done in three decades.

We can talk about these accomplishments, and I want to yield some time to the gentleman from Ohio (Mr. RYAN) because I know he is chomping at the bit to talk about his experiences this past year.

Mr. RYAN of Ohio. I appreciate the gentleman giving me an opportunity to share a few words. I think yourself and the gentleman from Florida (Mr. MEEK), my good friend, and other Members of this body agree, it has been a long year. It has been a long slog, and I think there have been in many ways a very complicated political scenario where in some instances where we are trying to pass children's health care, we have 80 votes in the Senate, enough to override a Presidential veto, but a rabid group in the House would back the President's veto and not allow us to override.

Some of our Republican friends were standing in the way of us getting SCHIP. My point is it is a very complicated political situation. I think within that context we have a tremendous amount of success. I think that as these bills begin to hit and get signed into law and the investments are made, I think the American people will begin to realize there has been a change in the direction of the country.

Believe me, we are nowhere near where any of us want to be. Nobody is happy, but we are satisfied to some extent that a lot of the programs that we have pushed forth will be signed into law, and have already in some instances been signed into law.

And those people who are in our congressional districts who are feeling the anxiety of globalization, of trade, of the economy, of the squeeze that is being placed on the middle class, I think we will see next year, if they are trying to put their kids through college and they go to take out a loan, and they recognize that last year when they took out the loan it was 6.8 percent and next year it will be 3.4 percent for college, they will recognize that something happened there, that it was the Democratic-led Congress who allowed that to happen.

When they go and apply for a Pell Grant and there is a few more hundred dollars that they qualify for, a thousand more over the next few years, those families will recognize that it was the Democratic-led Congress under Speaker PELOSI's leadership that allowed that to happen.

When you are working for minimum wage, whether it is two or three jobs, trying to piece your family together, you will recognize it was the Democrats who came in and made that happen.

When you see the auto industry begin to transform because of the amount of pressure that was put on them, CAFE standards and some other issues that we were able to work out to allow the auto industry to move forward and make these investments, that is because of the Democratic-led Congress.

Mr. ALTMIRE. On the subject of investments, that is something that had not been done in this Congress. We talked about the 6 years prior to the new Democratic Congress taking over, one of the things that had been unresolved was a water resources development bill, which is the critical infrastructure needs across this country, the most obvious of which is the gulf coast in Louisiana and Mississippi, what happened with Hurricane Katrina and the unmet investment since that time.

But all across this country, including in my district, we had severe flooding in western Pennsylvania in 2004 and again this summer. And we continue to have this discussion, and I am sure you have the same thing in Florida, that after the fact we come in and say, Why wasn't something done to prevent this? Why didn't we improve, in the case of western Pennsylvania, the locks and dams and the critical infrastructure that needs to be done to prevent the floods? Why didn't we bring in the Corps of Engineers and do the research and do the construction necessary to prevent the disaster from happening in the first place?

Well, that hadn't been done. The water resources development bill, WRDA, the WRDA bill hadn't been done. In 2-year increments, it is supposed to be reauthorized. They hadn't done it in 7.

So what did we do when we came into this new Congress? We made the difficult decisions and did the water resources bill. And as a result, $90 million in infrastructure investment is going to go into western Pennsylvania and fix this problem that I discussed in my district.

I know there is money going into the Florida districts that Mr. MEEK and Ms. WASSERMAN SCHULTZ represent, and I am sure Mr. RYAN has some need in his district.

But the critical investment in infrastructure is something that had been ignored for so long in this country. We are dealing with it. We made the difficult decisions and passed the bill, and we overrode the President's veto on it.

I do hear in my district frustration: Why aren't you taking on the President and why don't you do more to overturn his decisions? Well, we have divided government, and under the Constitution, in many cases the President, the executive, has the upper hand, especially in foreign policy.

He has vetoed a number of things. He has vetoed the children's health bill twice. Unfortunately, we lack the votes by a small margin to override those vetoes. He vetoed some of our appropriations bills. Multiple vetoes that we have come close to overriding on.

On the water resources bill, overwhelming bipartisan support to do the critical infrastructure investment that will prevent the flooding and that will prevent disasters in this country. I am proud of that accomplishment. That is something that hadn't been done.

Mr. MEEK of Florida. I just want to let you know, it ain't over yet.

Mr. RYAN of Ohio. It ain't over yet.

Mr. MEEK of Florida. We have a lot more work to do, and we are monitoring all of the things that we have to do and those that were not accomplished——

Mr. RYAN of Ohio. We are going to plow through them.

Mr. MEEK of Florida. We are going to plow through them and make sure that all of this happens. We are going to know those bills that made it through the process. We are going to know that those bills that made it halfway through the process. We are going to understand the pieces of legislation that misbehaved along the way, and we are going to make sure that we get it right.

I want to say something before the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) says something. We are going back to our neighboring districts down in Florida. I hate to talk about it in front of all of my good friends in the Clerk's Office about Florida and the sun and all of those things, but I want you to pay attention. You have to look at one another and pay attention to what is happening here.

This is the last night of Congress of the first session. The 30-Something Working Group is going to get an opportunity to adjourn the House for the year. We are all in the majority. We all serve on substantial committees. We all have families to go home to and do the things that we have to do. But we care enough, Madam Speaker, the commitment that we made to the American people that we were going to do what we said we were going to do, and we want to make sure that Independents, Republicans, Democrats, new voters, those thinking about voting, know that we have their back.

We don't have to be here tonight. That is the reason we are going to finish at 7:30. These people have commitments, too, and are ready to go home. But we are going to make sure that this goes into the RECORD so when the historians look at this time in this first session and all of the things that we tried to do to balance the budget and do all the things that we told them we would do in this first session, that we meant it and we held our own feet to the fire on this issue.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you, so much, Mr. MEEK and Mr. RYAN and Mr. ALTMIRE.

Let me tell you something else that we are laying down our marker on. We are not going away. The obstructionist Republicans might think that they have our number and that they have been able to block the efforts of this Democratic majority in trying to move this country in a new direction, but they will be sadly mistaken as we gradually turn this ship of State around. It takes a long time to turn a cruise ship around, something that is the size of this government, and it takes a long time to undo the horrendous damage that was done to this country during the 12 years of Republican majority in this Congress.

We slowly have been peeling the film of the culture of corruption that hung over this Capitol before we took the majority back.

□ 1915

We have feverishly worked to move this country in a new direction to expand access to health care, to make sure that we put our domestic priorities on the front burner. Now, we might have done that within the President's number, and that's essentially not what we wanted to do. What we wanted to do is make sure we weren't spending 10 times more in Iraq to continue this war than we were to increase the funding for health care and for education and for veterans health care funding. That's why, within the President's overall budget number, we reordered our priorities. We made sure that instead of cutting NIH funding grants and cutting health care, that we increased funding for the NIH grants. We made sure that we provide access to health care instead of cutting it by $595 million, that we increased it so that we could expand access to health care to more people. We made sure that instead of cutting veterans health care benefits we passed still the largest single increase in the history of the VA, a $3.7 billion increase.

We have a Democratic stamp on this budget. We passed a budget that has our priorities, the American people's priorities, and refocuses attention on the domestic needs that we have in this country, and we will be back after this recess and make sure that we are going to focus on the needs of the American people.

I'll be happy to yield to my friend

Mr. RYAN of Ohio. I think you make some great points because, you know, we have the veterans piece, the education piece, but I think you touched upon something when you started talking about the NIH and the energy research and investment that we're making in alternative energy. What we're trying to do, people are struggling. You know, people in our districts are wondering, especially in the Midwest in the manufacturing areas, what are we going to do? And what we're trying to do, I mean, you can't just give a job and the government hires everybody. But what we're trying to do, which I think Ms. WASSERMAN SCHULTZ has said, make these strategic investments in alternative energy, green-collar jobs, solar panels, I mean there's a lot of opportunity here. And in the health care field, the more research we do in the health care field the better off we're going to be, the more efficient the system, the more medical devices, the more research our scientists can do. There's a lot of opportunity here. So not only are we trying to raise the minimum wage, increase access to education, make sure our veterans are taken care of, which are all substantial accomplishments but, at the same time, make these long-term investments, where we're prying open different sectors of the economy.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield on the energy issue, specifically, we're trying to make sure we expand our investment in alternative energy research, that we use renewable energy resources, that we make sure that we reduce the carbon footprint that we have here in America, that we really significantly impact the continuing global warming that we have.

And do you know what our good friends on the other side of the aisle, Mr. ALTMIRE, have been trying to preserve? They've been trying to preserve subsidies for the big oil industry. That's the thing that we were not able to get done because the Republicans in the Senate and here blocked making sure that we could repeal $13 billion in subsidies for Big Oil, the most profitable industry in America.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I'm happy to yield to the gentleman.

Mr. RYAN of Ohio. We are moving in a new direction. We pushed and pushed and pushed with this AMT to get it paid for—$50 billion. And what we were going to do is close down loopholes where hedge fund owners and hedge fund operators are putting money offshore and basically hiding it. And the Democratic Party, Speaker PELOSI, our Blue Dogs united, liberals, Democrats, conservatives, all of us united saying pay for this. If not, the tax is going to tax people making 50, $75,000 in New Castle and Scranton, PA and Youngstown and Florida, so we wanted to pay for it.

The Republican Party opposed us paying for this by going after hedge fund managers period. You can read all the articles. Read all the analysis of what happened here.

So they sided, Madam Speaker, with hedge fund managers who are making billions of dollars a year.

Then we tried to repeal some of the issues dealing with the oil companies and making sure they're paying their fair share. The most profitable industry in the country is getting subsidized. And we're saying, no. We need to take some of that money and we need to invest this in alternative energy.

Again, in the Senate the Republicans stood strong to make sure that that did not happen. So in two instances, whether it was with hedge funds managers or with the oil companies, we were trying to make sure we brought some equity into the system and paid for making sure that our middle class doesn't get a tax increase.

Ms. WASSERMAN SCHULTZ. If you'd yield for a question.

Mr. RYAN of Ohio. I'll be happy to yield.

Ms. WASSERMAN SCHULTZ. So in the time that I have been involved in public service, which is over 15 years now, the mantra of our good friends on the other side of the aisle has always been that they are the party of less government, and that they are the party of fiscal responsibility. And in recent history, and in long-term history, my understanding is that it's this President that built up more foreign debt than all 42 previous Presidents combined, and this President that took us from a $3 billion surplus to a $5 billion deficit, in his first term,

Mr. ALTMIRE. Trillion.

Ms. WASSERMAN SCHULTZ. Excuse me. Trillion. Forgive me. Trillion dollars. And so who, the question that I have for you is, so which party is the party of fiscal responsibility? Which party can be trusted to make sure that we have a vibrant economy, that we create jobs, that we don't operate in a deficit situation and that we have PAYGO rules that ensure that we don't spend more money than we take in? Which one would that be?

Mr. RYAN of Ohio. That would be the Democratic party.

Ms. WASSERMAN SCHULTZ. Okay. I wasn't quite certain because if you listen to the rhetoric on the other side of the aisle, they talk a good game. But when it comes to action, backing up the words with action, just like when the President stood in that rostrum a couple of years ago and laid out the notion that we should end America's addiction to foreign oil, but then promptly pushed an energy bill through the then Republican Congress that gave away those $14 billion in subsidies to the oil industry that we're now trying to repeal. That was just unbelievable. And I can't use certain words that I think should be applicable to that situation because it violates the House rules, so I won't. But I think we all know what the definition of saying something and doing another actually is.

Mr. RYAN of Ohio. And this is all about, you know, borrowing of the money. And as the gentlelady from Florida said, I think everyone at some point has mentioned it here tonight, $3 trillion in the last 6 years borrowed from foreign interests, raised the debt limit five times, borrowing from China and Japan. And my nephew, little Nicky Ryan, who's, you know, 2 years old is saying to us, what are you doing? Uncle Timmy, what are you doing?

We're passing it down, passing it on. Someone's got to pay this bill. And it's your kids and your kids and Kendrick's kids who have to do it.

I yield to my friend.

Mr. ALTMIRE. If I could tie this all together, what we're talking about with pay-as-you-go, and the gentlewoman talks about the energy bill. And the gentleman from Ohio talked about the College Cost Reduction Act dealing with student loans. Let's tie this together. What does it mean to pay as you go, to pay for what you're doing? Well, with the College Cost Reduction Act we did things that are going to substantially improve the lives of middle-class Americans all across this country. They're going to make a real difference for families in America. We cut in half the interest rates on student loans from 6.8 percent to 3.4 percent, which, by itself, if we did nothing else, would save the average student on student loans in this country over $4,400 over the lifetime of their loan. But we didn't just stop there. We increased Pell Grants, the staple of student support in this country, to $5,400, the largest increase in the history of that program. And we capped at 15 percent of discretionary income the amount that the borrower, after they graduate, would be required to be burdened with debt to repay their student loan. These are things that are going to make a big difference. But they cost money. It had a $20 billion price tag, which is a substantial amount of money. And unlike previous Congresses, instead of charging it to the credit card and saying, Nicky Ryan, you're going to have to pay for this in 30 or 40 years, for the rest of your life, this is something that you, as an individual, we're going to take the initiative as a Congress and we're going to pay for this up front. And what did we do? We went to the big banks and the lenders who've turned a hefty profit on the backs of students and parents in this country for years and have done quite well with these student loan programs and we've said it's time to pay your fair share. And we took the subsidies from the big banks and the lenders and redirected every penny of them into the student loan programs to help students and parents in this country.

Similarly, with the energy bill, we had the $14 billion subsidies that were going to the big oil and gas industry at a time when they were making all-time record profits. They're doing quite well. I don't think anybody can argue that the oil and gas industry is suffering right now. They're doing very well.

So we said, we're going to take away those subsidies at this time when you're making all-time record profits.

Mr. RYAN of Ohio. Also known as corporate welfare.

Mr. ALTMIRE. Thank you. And we're going to redirect that $14 billion into research and development of alternative fuels, alternative energy, which gets us off of the foreign oil which is what the President talked about doing. It lessens our dependence on foreign oil, and it helps the environment by having clean-burning fuels and renewable energy, all of those things that everybody talks about, and we paid for it; $14 billion directly paid for by those subsidies.

Now, in the other body, unfortunately, we fell one vote short. They had 59 votes. That's much more than a majority, but the rules are a little bit different in the other body, and they need 60 votes now to move on legislation, which is a subject for another day, the fact that that rule is there.

But the point is, that's what it means to pay as you go. We're doing very good things. When they cost money, unlike previous Congresses, we're paying for it up front in a budget neutral way.

So I will yield back to the gentlewoman from Florida. And I think the gentleman from Florida, who controls the time, is looking to wrap up here shortly. Is that correct?

Mr. MEEK of Florida. I know we have time, but I made a commitment to the people that are nice to us here in the Chamber that they will be getting to be reunited with their families pretty soon. So I guess we can kind of make our closing comments, or what have you. We said 35 minutes. We have until, maybe until at least 35 after, so don't feel rushed.

Ms. WASSERMAN SCHULTZ. In my wrap-up remarks, first of all, I want to thank each of you that are parts of the 30-Something Working Group, and Mr. MURPHY, who headed home to his family this evening, for continuing to hang in here and coming out. We certainly could have disbanded the 30-Something Working Group, Mr. RYAN. We could have said, you know, our work here is done. We won the majority and now we can just, you know, go make good policy and go home. But it's clear that our work is far from done. We have a lot left to do on the agenda. We have to make sure that we deal with expanding access to health care, that we continue to push for the remaining provisions of the energy bill that we were not able to get included. We have to make sure that we focus on bringing our troops home. And people need to understand that we're not, we're going to be relentless in continuing to try to make sure we do that.

People should understand that the vote tonight did not pass with, the vote on the funding for the war in Iraq did not pass with a majority of Democratic votes. It passed with a majority of the Republican votes. This is this President's war and this is the Republicans' war, and it will continue to be their war. They are the ones that are leaving our troops twisting in the wind with their families being separated from them with repeated, over-the-top tours of duty, three and four times over there, having more than a year, less than a year between tours of duty.

We've got to make sure that we think about our troops and focus on the fact that it is clear now, even with the reduction in violence, Mr. RYAN, that the Iraqi leadership has made no progress. And they've made no progress because they don't need to because they know right now with the message that this President is sending that we're going to be there as long as they need us. There's no pressure, no incentive, and we need the American people to understand that we will continue to come out here; we will continue to talk about the priorities that they care about. And now that we're in the majority we're going to continue to press to adopt those priorities and shame the Republicans on the other side of the aisle every single day until we get dangerously close to this election and we put some fear in their hearts so that they don't continue to stick with this President who is completely wrong on the priorities that the American people care about.

Mr. RYAN of Ohio. I think what we've done, and I think what the Speaker has done and STENY HOYER and JIM CLYBURN and JOHN LARSON and our leadership team have done over the past year is, you know, we've heard for a decade about family values. And I think what has happened here is our legislation has embodied what families need, the minimum wage community health clinics, education funding. We, I think, have spoken through our actions here, and I think that's very important.

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In addition to that, when we talk about staying out here and continuing the message side of this, part of politics is to communicate with the American people. But what's important is anyone who's watching this debate, we're telling you our side, they are saying their side, and there are the facts, and the American people get to listen.

We wanted to make sure that the hedge fund managers were not hiding money in offshore accounts. That was something we ran on, and we tried to do it and continue, but we don't have a big enough majority now to handle some of these in the Senate and here.

We were the ones who wanted to pull the corporate subsidies. We were the ones who actually succeeded in the education and the health care and the energy and all these other issues, not nearly again as far as we wanted to go. But for us to come out here and continue to pitch our accomplishments, what we've done, what we're going to continue to do, the fact that we're not happy, there are still jobs leaving many communities across our country that need that growth, that investment in alternative energies, that's what we are trying to do, trying to accomplish.

We're not satisfied. So to the people back home listening to us, we're not satisfied. We're not done. We're going to continue the good fight.

And so I'd just like to say to everyone here, thank you. Happy holidays. Merry Christmas. Happy Hanukkah. Happy Kwanzaa.

Ms. WASSERMAN SCHULTZ. Happy New Year.

Mr. RYAN of Ohio. Happy New Year.

Mr. ALTMIRE. I just want to say very quickly, Mr. MURPHY's not here, our fifth partner here, but the three, the gentlewoman from Florida, the gentleman from Ohio, the other gentleman from Florida have done a magnificent job over the years of carrying the 30-Somethings and getting the message out at a time when it was very difficult to do so.

And now, luckily, times have changed, and now the Democrats are in the majority, and it's a little bit easier to control the agenda and talk about issues and move forward.

I just want to say what an honor it is for me to have been a part of the 30-Something Working Group, and I know Mr. MURPHY would say the same, that we were very familiar with the group and had seen you in action for many years, but as we are now the last group to speak on the last day of the first session of the 110th Congress, I didn't want to let the moment go by and say it's great for me.

And I love especially the geographic diversity that we have where Ms. WASSERMAN SCHULTZ and Mr. MEEK have their districts next to each other in south Florida and Mr. RYAN and myself have our districts next to each other on the Ohio-Pennsylvania border. So we have fun with that from time to time for sports analogies and weather and so forth, but it really is an honor for me to be here, the same media market.

Mr. RYAN of Ohio. I have about five funny jokes that are in my head right now that I want to say, but I'm going to pass on all five.

Mr. ALTMIRE. I've heard all five.

Mr. RYAN of Ohio. I think on behalf of us, I think we're very lucky. We had a great freshman class that has had a tremendous impact.

Mr. ALTMIRE, I know, has passed a couple of pieces of legislation through the Small Business Committee that has really, I think, redefined what government investment and what the Small Business Administration needs to do, angel investor funds, venture capital funds, to invest in these new start-up communities. So communities like ours who are trying to convert from manufacturing, advanced manufacturing, from manufacturing in auto and steel and rubber to some kind of high-tech business, we now have an SBA bill that would allow those young companies to get venture capital money that would match. I mean, just a lot of innovative things.

I don't want to get into the details, but we want to say thank you because you guys have all been great: ZACK SPACE, JASON ALTMIRE, CHRIS MURPHY, PATRICK MURPHY, ARCURI, the sheriff. We have a lot of great people. And YVETTE CLARKE from Brooklyn, New York, has been phenomenal. We've got a great class. So, thank you, thank you.

Ms. WASSERMAN SCHULTZ. Before you close out, I don't know if you guys did this last night, but we do need to congratulate in absentia Mr. MURPHY on his marriage, because he got married a couple of months ago and, you know, he is going to look forward to spending some quality time with his new bride, and so we wish him and his new wife very well.

Mr. MEEK of Florida. Well, we gave a lot of shout-outs to folks last night on how much we appreciate all of the staff and everyone that has made the 30-Something Working Group possible: our good friends from the Clerk's office who have been watching us for the last 5 years, also Mr. Michael here. I don't want to give out last names because Mr. Tom, you know, and others that help us.

Ms. WASSERMAN SCHULTZ. They get spammed.

Mr. MEEK of Florida. Yes, all kind of stuff. These guys are rock stars.

But I just want to say in closing that what we do here is very serious work, but we do bring kind of a human element to it. I'm glad that we do, because Americans understand what we are talking about. Members understand what we're talking about. And Madam Speaker, I mean, it's really a high honor for me to yield back this time, but I would also like for your freshman class brother, Mr. ALTMIRE, to close our first session officially.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

August 1, 2007:

H.J. Res. 44. An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

August 3, 2007:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

August 3, 2007:

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

August 6, 2007:

H.R. 3311. An act to authorize additional funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

August 8, 2007:

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

August 9, 2007:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the ''Claude Ramsey Post Office''.

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the ''S/Sgt Lewis G. Watkins Post Office Building''.

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the ''Buck Owens Post Office''.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the ''Staff Sergeant Marvin 'Rex' Young Post Office Building''.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''.

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the ''Harriett F. Woods Post Office Building''.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office''.

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the ''Willye B. White Post Office Building''.

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the ''George B. Lewis Post Office Building''.

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the ''Staff Sergeant Omer 'O.T.' Hawkins Post Office''.

H.R. 2127. An act to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the ''Clem Rogers McSpadden Post Office Building''.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the ''Frank G. Lumpkin, Jr. Post Office Building''.

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the ''Major Scott Nisely Post Office''.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''.

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the ''Dolph Briscoe, Jr. Post Office Building''.

August 9, 2007:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

August 13, 2007:

H.R. 2863. An act to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

H.R. 2952. An act to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

H.R. 3006. An act to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

September 20, 2007:

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in

commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

September 27, 2007:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 3580. An act 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, and for other purposes.

September 27, 2007:

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

September 28, 2007:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the ''Percy Sutton Post Office Building''.

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as ''Cal Ripken Way''.

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

September 29, 2007:

H.J. Res. 43. An act increasing the statutory limit on the public debt.

H.J. Res. 52. An act making continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

September 30, 2007:

H.R. 3625. An act 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.

October 24, 2007:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building''.

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building''.

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building''.

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the ''Master Sergeant Sean Michael Thomas Post Office''.

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station''.

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building''.

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the ''John Herschel Glenn, Jr. Post Office Building''.

H.R. 3106. An act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the ''Staff Sergeant David L. Nord Post Office''.

October 25, 2007:

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

October 26, 2007:

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Laurence C. and Grace M. Jones Post Office Building''.

October 31, 2007:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

November 5, 2007:

H.R. 327. An act 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.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

November 8, 2007:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

November 9, 2007:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

November 13, 2007:

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

H.R. 3222. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

November 15, 2007:

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center''.

November 16, 2007:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''.

November 30, 2007:

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office''.

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building''.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building''.

H.R. 3307. An act 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''.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the ''Lance Corporal David K. Fribley Post Office''.

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office''.

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office''.

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''.

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the ''Charles H. Hendrix Post Office Building''.

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the ''Chief Warrant Officer Aaron Weaver Post Office Building''.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''.

December 6, 2007:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

December 12, 2007:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

December 13, 2007:

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

December 14, 2007:

H.J. Res. 69. An act making further continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

July 31, 2007:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

August 5, 2007:

S. 1927. An act to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and for other purposes.

August 9, 2007:

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello

International Park Commission eligible to obtain Federal health insurance.

August 13, 2007:

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

September 14, 2007:

S. 1. An act to provide greater transparency in the legislative process.

September 20, 2007:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

October 9, 2007:

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, and to extend and improve the collection of maintenance fees, and for other purposes.

October 16, 2007:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

October 31, 2007:

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

November 8, 2007:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

November 16, 2007:

S.J. Res. 7. An act providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

November 19, 2007:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of personal health.

Mr. MCNULTY (at the request of Mr. HOYER) for today on account of his daughter's nursing school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. CARDOZA, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue; to the Committee on Ways and Means.

S. Con. Res. 53. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Tuesday, December 18, 2007:

H.R. 1585. An act 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.

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharge of indebtedness on principal residences from gross income, and for other purposes.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Wednesday, December 19, 2007:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HOYER, on Wednesday, December 19, 2007:

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. HOYER, announced his signature on Wednesday, December 19, 2007, to enrolled bills of the Senate of the following titles:

S. 2271. To authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. To promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

SINE DIE ADJOURNMENT

Mr. ALTMIRE. Madam Speaker, pursuant to Senate Concurrent Resolution 61, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with Senate Concurrent Resolution 61, 110th Congress, the Chair declares the House first session of the 110th Congress adjourned sine die.

Thereupon (at 7 o'clock and 36 minutes p.m.), pursuant to Senate Concurrent Resolution 61, the House adjourned.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third and fourth quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ELIZABETH GREER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 9, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elizabeth Greer	10/5	10/7	Qatar		220.00				238.00		458.00
	10/7	10/8	Jordan		137.00				142.00		279.00
	10/8	10/9	Germany		174.00				49.00		223.00
Committee total					531.00				429.00		960.00

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

ELIZABETH GREER, Dec. 5, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DR. KAY KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 3 AND NOV. 5, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dr. Kay King	11/3	11/5	Italy		2,425.00	(3)					2,425.00
Committee total					2,425.00						2,425.00

KAY A. KING, Dec. 5, 2007.

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

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 1 AND JUNE 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

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

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

CHARLES B. RANGEL, Chairman, Oct. 18, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles B. Rangel	7/1	7/4	Barbados		852.00		1,814.70				2,666.70
	8/5	8/6	Peru		576.00		2,809.70				3,385.70
Hon. Sander M. Levin	8/5	8/6	Peru		576.00		2,816.70				3,392.70
Hon. Allyson Y. Schwartz	8/5	8/7	Peru		576.00		7,251.70				7,827.77
Hon. Gregory W. Meeks	8/6	8/7	Peru		576.00		4,293.95				4,869.95
Timothy Reif	8/5	8/7	Peru		576.00		6,545.20				7,121.20
Vijaya Rangaswami	8/5	8/7	Peru		576.00		4,599.20				5,175.20
Matthew Beck	8/5	8/7	Peru		576.00		4,085.20				4,661.20
Annie Minguez	8/5	8/7	Peru		576.00		2,553.20				3,129.20
Committee total					5,460.00		36,769.55				42,229.55

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

CHARLES B. RANGEL, Chairman, Oct. 18, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

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

4733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Crop Grouping Program; Technical Amendment [EPA-HQ-OPP-2007-0766 FRL-8345-4] (RIN: 2070-AJ28) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glufosinate-ammonium; Pesticide Tolerance [EPA-HQ-OPP-2007-0029; FRL-8342-3] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Data Requirements for Conventional Chemicals [EPA-HQ-OPP-2004-0387; FRL-8106-5] (RIN: 2070-AC12) received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4736. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(a); to the Committee on Armed Services.

4737. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Representations and Certifications in the Online Representations and Certifications Application (DFARS Case 2006-D032) (RIN: 0750-AF55) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4738. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Functions Exempt from Private Sector Performance (DFARS Case 2007-D019) (RIN: 0750-AF87) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4739. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplment; Information Assurance Contractor Training and Certification (DFARS Case 2006-D023) (RIN: 0750-AF52) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4740. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Receiving

Reports for Shipments (DFARS Case 2006-D024) (RIN: 0750-AF53) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4741. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; New Designated Countries (DFARS Case 2006-D062) (RIN: 0750-AF57) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4742. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ship Critical Safety Items (DFARS Case 2007-D016) (RIN: 0750-AF86) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4743. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4744. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7999] received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4745. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report [Docket No. FR-5070-F-02] (RIN: 2502-AI43) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4746. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID OCC-2007-0021] (RIN: 1557-AD05) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4747. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No. R-1303] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4748. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — SMALLER REPORTING COMPANY REGULATORY RELIEF AND SIMPLIFICATION [RELEASE NOS. 33-8876; 34-56994; 39-2451; FILE NO. S7-15-07] (RIN: 3235-AJ86) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4749. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — REVISIONS TO THE ELIGIBILITY REQUIREMENTS FOR PRIMARY SECURITIES OFFERINGS ON FORMS S-3 AND F-3 [RELEASE NO. 33-8878; FILE NO. S7-10-07] (RIN: 3235-AJ89) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4750. A letter from the Secretary, Department of Energy, transmitting a report containing the status of the programs and the progress toward meeting the goal in providing sufficient electricity to the Navajo Nation, pursuant to Public Law 106-511, section 602 (d); to the Committee on Energy and Commerce.

4751. A letter from the Secretary, Department of Energy, transmitting the Department's report on the Tribal Power Allocation Study, pursuant to Public Law 109-58, section 503(a); to the Committee on Energy and Commerce.

4752. A letter from the Acting Assistant Secretary for Communications and Information, Department of Transportation, transmitting the Department's report on the activities to improve coordination and communication with respect to the implementation of E-911 services, pursuant to Public Law 108-494, section 104; to the Committee on Energy and Commerce.

4753. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping [EPA-HQ-OAR-2001-0004; FRL-8508-4] (RIN: 2060-AN88) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4754. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources [EPA-HQ-OAR-2005-0526; FRL-8508-6] (RIN: 2060-AN21) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4755. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources [EPA-HQ-OAR-2006-0359; FRL-8509-6] (RIN: 2060-AM36) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4756. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [EPA-HQ-OAR-2004-0083; FRL-8509-5] (RIN: 2060-AM71) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4757. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing [EPA-HQ-OAR-2006-0424; EPA-HQ-OAR-2006-0360; EPA-HQ-OAR-2006-0940; FRL-8508-5] (RIN: 2060-AM12) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4758. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; South Dakota; Revisions to New Source Review Rules [EPA-R08-OAR-2006-0928; FRL-8509-4] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4759. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2007-1079; FRL-8509-2] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4760. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's ''Major'' final rule — Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent (RIN: 3150-AH40) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4761. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-30 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

4762. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-15 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Switzerland for defense articles and services; to the Committee on Foreign Affairs.

4763. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-20 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

4764. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 00-33 of 9 June 2000 (Transmittal No. 0A-08); to the Committee on Foreign Affairs.

4765. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-01 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

4766. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-27 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

4767. A letter from the Assistant Secretary for Legislative Affairs, Deparmtent of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, re-certification of a proposed Agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 089-07); to the Committee on Foreign Affairs.

4768. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28; to the Committee on Foreign Affairs.

4769. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on cross-border interoperability with Canada regarding the process for considering applications by Canada for frequencies and channels

by the United States communities along the border between the United States and Canada; to the Committee on Foreign Affairs.

4770. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 15, 2007 — December 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of technical data, defense articles and defense services to the Government of Brazil (Transmittal No. DDTC 090-07); to the Committee on Foreign Affairs.

4772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of France, Germany, Gibraltar, Luxembourg, the Netherlands, Spain, Sweden and the United Kingdom (Transmittal No. DDTC 085-07); to the Committee on Foreign Affairs.

4773. A letter from the Assistant Secretary foe Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Slovak Republic (Transmittal No. DDTC 106-07); to the Committee on Foreign Affairs.

4774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 101-07); to the Committee on Foreign Affairs.

4775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense articles and services to the Government of Italy (Transmittal No. DDTC 033-07); to the Committee on Foreign Affairs.

4776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 113-07); to the Committee on Foreign Affairs.

4777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles to the Government of South Korea (Transmittal No. DDTC 092-07); to the Committee on Foreign Affairs.

4778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Israel (Transmittal No. DDTC 045-07); to the Committee on Foreign Affairs.

4779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Governments of the Philippines and South Korea (Transmittal No. DDTC 063-07); to the Committee on Foreign Affairs.

4780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-05-07); to the Committee on Foreign Affairs.

4781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Jordan (Transmittal No. RSAT-08-07); to the Committee on Foreign Affairs.

4782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Canada (Transmittal No. DDTC 078-07); to the Committee on Foreign Affairs.

4783. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-217, ''Rent Administrator Hearing Authority Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4784. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-218, ''Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-219, ''Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4786. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-220, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4787. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-221, ''Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4788. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-222, ''Bicycle Commuter and Parking Expansion Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4789. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-223, ''Exploratory Committee Regulation Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4790. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-224, ''Child and Family Services Grant-making Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4791. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-225, ''Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-226, ''Student Access to Treatment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4793. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4794. A letter from the President, Federal Financing Bank, transmitting the Bank's performance plan for fiscal years 2007-2008 and program performance report for fiscal year 2006, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4795. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2007, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Oversight and Government Reform.

4796. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2007 Performance Report, in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4797. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2007 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4798. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees (RIN: 3206-AL31) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4799. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Revised Designation for the Cape Sable Seaside Sparrow (RIN: 1018-AV79) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4800. 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 Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2008 (RIN: 0648-XD25) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4801. 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 Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD53) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4802. 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 Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD32) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4803. 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 Northeastern United States; Summer Flounder Fishery; Rescission of Commercial Closure for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XC92) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4804. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Opening of the Eastern U.S./Canada Area and Trip Limit Change [Docket No. 040112010-4114-02] (RIN: 0648-XD40) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4805. 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 Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD36) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4806. 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; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD21) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4807. 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-XD07) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4808. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management [Docket No. 070322067-7501-01; I.D. 031407A] (RIN: 0648-AU03) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4809. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02] (RIN: 0648-XC59) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4810. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors [Docket No. 070404078-0778-01] (RIN: 0648-XB00) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4811. 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 Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC02) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4812. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — RAIL FUEL SURCHARGES [STB Ex Parte No. 661 (Sub-No. 1)] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4813. 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 Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD33) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4814. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, ''Veterans' Authorities Expansion Act of 2007''; to the Committee on Veterans' Affairs.

4815. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

4816. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities (2003R-268P) [T.D. TTB-63; Re: T.D. TTB-26] (RIN: 1513-AA99) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4817. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Small Domestic Producer Wine Tax Credit-Implementation of Public Law 104-188, Section 1702, Amendments Related to the Revenue Reconcilliation Act of 1990 (96R-028T) [T.D. TTB-64; Re: T.D. ATF-390 and ATF Notice No. 852] (RIN: 1513-AA05) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4818. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Q&A-23 of Notice 2007-7 [Notice 2007-99] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4819. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disqualified Corporate Interest Expense Disallowed Under Section 163(j) and Related Information [Announcement 2007-114] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4820. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates [4830-01] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4821. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also, Part I, 403; 1.403(b)-3.) (Rev. Proc. 2007-71) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4822. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2007 Cumulative List of Changes in Plan Qualification Requirements [Notice 2007-94] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4823. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Mining Industry Overview Guide — received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of tax liability (Rev. Proc. 2007-58) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Contractual Allowance Issues in the Healthcare Industry [LMSB Control No.: LMSB-04-0807-056] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4826. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-66) received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4827. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Weighted Average Interest Rates Update [Notice 2007-75] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4828. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Clarification of Section 6411 Regulations [TD 9355] (RIN: 1545-BF66) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4829. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Relative for Purposes of Section 152(d)(1) [Notice 2008-5] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4830. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transition Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with 409A(a) in Operation [Notice 2007-100] received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4831. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements [Notice 2008-2] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4832. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2007-101] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4833. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part I, Section 832, 846; 1.832-4, 1.846-1.) (Rev. Proc. 2008-11) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4834. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part 1, Section 846; 1.846-1.) (Rev. Proc. 2008-10) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4835. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 860D, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4) (Rev. Proc. 2007-72) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4836. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 988.—Treatment of Certain Foreign Currency Transactions. 26 CFR 1.988-1: Certain definitions and special rules. (Also 1.988-2) (Rev. Rul. 2008-1) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4837. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Medicare Advantage and Part D Prescription Drug Contract Determinations, Appeals, and Intermediate Sanctions Processes [CMS-4124-FC] (RIN: 0938-AO78) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4838. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Optional State Plan Case Management Services [CMS-2237-IFC] (RIN: 0938-AO50) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4839. A letter from the Secretary, Department of Commerce, transmitting a copy of a draft bill, ''to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone''; jointly to the Committees on Natural Resources, the Judiciary, Ways and Means, and Foreign Affairs.

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. McGOVERN: Committee on Rules. House Resolution 893. Resolution providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes (Rept. 110–498). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 894. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 110–499). Referred to the House Calendar.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 4137. A bill to amend and extend the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 110–500, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4040. A bill to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; with an amendment (Rept. 110–501). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; with an amendment (Rept. 110–502). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 29. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes (Rept. 110–503 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs (Rept. 110–504 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 3058. A bill to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; with an amendment (Rept. 110–505 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 3111. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes (Rept. 110–506 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on the Judiciary, Science and Technology and Financial Services discharged from further consideration. H.R. 4137 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 29. Referral to the Committee on Armed Services extended for a period ending not later than January 15, 2008.

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than January 15, 2008.

H.R. 3058. Referral to the Committee on Agriculture extended for a period ending not later than January 15, 2008.

H.R. 3111. Referral to the Committee on Armed Services extended for a period ending not later than January 15, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself and Mr. FEENEY):

H.R. 4837. A bill to authorize the Space Shuttle to be flown from 2010 through 2015, and to authorize appropriations for the National Aeronautics and Space Administration for this purpose; to the Committee on Science and Technology.

By Ms. BALDWIN (for herself, Mr. SHAYS, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. McDERMOTT, Mr. TOWNS, Ms. HARMAN, Mrs. TAUSCHER, Mr. ELLISON, Mr. ENGEL, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. HARE, Mr. CUMMINGS, Ms. VELÁZQUEZ, Mr. NADLER, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. DELAHUNT, Ms. BERKLEY, Ms. DELAURO, Mr. MARKEY, Ms. LEE, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. SERRANO, Ms. NORTON, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. WU, Ms. WASSERMAN SCHULTZ, and Mr. SHERMAN):

H.R. 4838. A bill to provide benefits to domestic partners of Federal employees; to the

Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, 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. RANGEL:

H.R. 4839. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means. considered and passed.

By Mr. KIND (for himself, Mr. RAMSTAD, Mrs. JONES of Ohio, Mr. ENGLISH of Pennsylvania, Ms. SCHWARTZ, Mr. SAM JOHNSON of Texas, and Mr. KAGEN):

H.R. 4840. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO (for herself and Mr. LEWIS of California):

H.R. 4841. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. CHABOT, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GOHMERT, and Mr. JORDAN):

H.R. 4842. A bill to provide for only prospective effect of certain amendments to the Federal Sentencing Guidelines relating to cocaine base sentencing; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 4843. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazline) and application adjuvants; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4844. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline technical), 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) and application adjuvants; to the Committee on Ways and Means.

By Ms. FALLIN (for herself, Mrs. BLACKBURN, Mr. POE, Mrs. BACHMANN, Mr. WALBERG, Mr. REYNOLDS, Mr. CARTER, Mr. BURGESS, Mr. FRANKS of Arizona, Ms. FOXX, Mr. PRICE of Georgia, and Mr. COLE of Oklahoma):

H.R. 4845. A bill to amend the Internal Revenue Code of 1986 to exclude overtime pay from gross income; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 4846. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide grants for infrastructure improvements to fire first responders; to the Committee on Science and Technology.

By Mr. MITCHELL (for himself and Mr. GINGREY):

H.R. 4847. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. PALLONE (for himself and Mr. STARK):

H.R. 4848. A bill to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 4849. A bill to prohibit discrimination in Federal assisted health care services and research programs on the basis of sex, race, color, national origin, sexual orientation, or disability status; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Ms. CLARKE, and Mr. MEEK of Florida):

H.R. 4850. A bill to amend the Consumer Product Safety Act to increase the civil penalties for certain violations relating to children's products containing lead; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 4851. A bill to improve the enforcement of Davis-Bacon Act; to the Committee on Education and Labor, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. LINCOLN DAVIS of Tennessee, Mr. HERGER, Mr. SHULER, Mr. KINGSTON, Mr. BOREN, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. FORTENBERRY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. PITTS, Mr. MARCHANT, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. JORDAN, Mr. RYAN of Wisconsin, Mr. AKIN, Mr. MANZULLO, Mrs. BLACKBURN, Mr. WITTMAN of Virginia, Mr. PENCE, and Mr. SMITH of New Jersey):

H.R. 4852. A bill to amend part A of title IV of the Social Security Act to allow funds provided under the program of block grants to States for temporary assistance for needy families to be used for alternative-to-abortion services; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. MCCRERY, Mrs. BLACKBURN, Mr. CANNON, Mr. BOUSTANY, Mr. ALEXANDER, Mr. MELANCON, Mr. JEFFERSON, and Mr. JINDAL):

H.R. 4853. A bill to direct the Secretary of Veterans Affairs to conduct a pilot project on the use of educational assistance under programs of the Department of Veterans Affairs to defray training costs associated with the purchase of certain franchise enterprises; to the Committee on Veterans' 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. BERMAN (for himself and Mr. SENSENBRENNER):

H.R. 4854. A bill to amend the provisions of title 31, United States Code, relating to false claims to clarify and make technical amendments to those provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. BOSWELL (for himself, Mr. KAGEN, and Mrs. GILLIBRAND):

H.R. 4855. A bill to require studies by the Secretary of Agriculture on the effects of food products from cloned animals entering the food supply; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 4856. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Mr. CAPUANO (for himself, Mr. BARRETT of South Carolina, Mr. CLAY, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MCGOVERN, Mr. PASCRELL, Mr. SESSIONS, and Mr. TIAHRT):

H.R. 4857. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4858. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the shipment of prescription drugs between the States and the Virgin Islands; to the Committee on Energy and Commerce.

By Mr. CLAY:

H.R. 4859. A bill to extend the temporary suspension of duty on Direct Yellow 119; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4860. A bill to extend the temporary suspension of duty on 2-Amino-6-nitrophenol-4-sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4861. A bill to extend the temporary suspension of duty on 2-Amino-5-sulfobenzoic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4862. A bill to extend the temporary suspension of duty on 2,4-Disulfobenzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4863. A bill to extend the temporary suspension of duty on 2-Methyl-5-nitrobenzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4864. A bill to extend the temporary suspension of duty on N-Ethyl-N-(3-sulfobenzyl)aniline (benzenesulfonic acid, 3-[(ethylphenylamino)methyl]-); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4865. A bill to extend the temporary suspension of duty on p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4866. A bill to extend the temporary suspension of duty on Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro- 3-oxo-2H-indol-2-ylidene)-1,2-dihydro-); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4867. A bill to extend the temporary suspension of duty on 2,5-Bis[(1,3-dioxobutyl)amino]benzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4868. A bill to extend the temporary suspension of duty on Basic Yellow 40 chloride based; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4869. A bill to extend the temporary suspension of duty on 4-[(4-Aminophenyl)azo]benzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4870. A bill to suspend temporarily the duty on Basic Red 51; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4871. A bill to suspend temporarily the duty on 2-Aminotoluene-5-Sulfonic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4872. A bill to suspend temporarily the duty on 1-Amino-2,6-dimethylbenzene; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4873. A bill to suspend temporarily the duty on p-Amino Benzoic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4874. A bill to suspend temporarily the duty on Solvent Violet 13; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4875. A bill to suspend temporarily the duty on Solvent Violet 11; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4876. A bill to suspend temporarily the duty on Disperse Blue 359; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4877. A bill to suspend temporarily the duty on 2-Amino-3-Cyano Thiophene; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4878. A bill to suspend temporarily the duty on Disperse Yellow 241; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself and Mr. TOWNS):

H.R. 4879. A bill to amend title XVIII of the Social Security Act to include screening computed tomography colonography as a colorectal screening test for purposes of coverage under the Medicare Program, and for other purposes; 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. DAVIS of Illinois:

H.R. 4880. A bill to amend the McKinney-Vento Homeless Assistance Act to provide for the implementation of protection and services for children and youths in out of home care, and for other purposes; to the Committee on Education and Labor, 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. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 4881. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself and Ms. BALDWIN):

H.R. 4882. A bill to ensure broadcast station licenses are utilized to serve the public interest; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 4883. A bill to amend the Servicemembers Civil Relief Act to provide for a limitation on the sale, foreclosure, or seizure of property owned by a servicemember during the one-year period following the servicemember's period of military service; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 4884. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 4885. A bill to extend the temporary suspension of duty on metal halide lamps designed for use in video projectors; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4886. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4887. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4888. A bill to allow the Department of Homeland Security to grant a waiver or exception from certain airspace restrictions; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4889. A bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code; to the Committee on Veterans' 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. FLAKE:

H.R. 4890. A bill to modify the EB-5 regional center program; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 4891. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4892. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 4893. A bill to penalize States that prohibit oil and gas exploration within their borders by denying them the use of any oil or natural gas produced domestically elsewhere; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4894. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4895. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space in the District of Columbia for the United States Government until January 1, 2009; to the Committee on Transportation and Infrastructure.

By Mr. GOHMERT:

H.R. 4896. A bill to amend title II of the Social Security Act to provide that a duty of the Board of Trustees of the Social Security Trust funds is to hold them in trust for the beneficiaries and to ensure that the assets of such trust funds are not diverted, and to authorize investment of such trust funds in securities that are not limited to obligations of the United States or obligations guaranteed as to principal and interest by the United States; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. DELAURO, Mrs. JONES of Ohio, Mr. KENNEDY, Mr. KLEIN of Florida, Mrs. MCCARTHY of New York, Ms. MATSUI, Mr. RAMSTAD, and Mr. WYNN):

H.R. 4897. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; 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. HOYER (for himself and Mr. BLUNT):

H.R. 4898. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself and Mrs. BONO):

H.R. 4899. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself and Mr. SPACE):

H.R. 4900. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary, 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. KING of New York (for himself, Mr. LATOURETTE, Mr. GRIJALVA, Mr. TURNER, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY of New York, Mr. GARRETT of New Jersey, Mr. BAIRD, Mr. FOSSELLA, Mrs. MCCARTHY of New York, Mr. FERGUSON, Mr. ACKERMAN, Mr. ISSA, Mr. UDALL of New Mexico, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. STUPAK, Mrs. BIGGERT, Mr. MCNULTY, Mr. LOBIONDO, Mr. PAYNE, Mr. BAKER, Mr. CASTLE, Mr. PASTOR, Mrs. CAPITO, Mr. KILDEE, Mr. SESSIONS, Mr. BLUMENAUER, Mr. HOLT, Mr. ALLEN, Mrs. LOWEY, Mr. RADANOVICH, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. KUCINICH, Mr. SHAYS, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. GARY G. MILLER of California, Mr. GENE GREEN of Texas, Mr. PLATTS, Mr. DOYLE, Mr. WOLF, Mr. CLAY, and Mr. RUPPERSBERGER):

H.R. 4901. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON:

H.R. 4902. A bill to suspend temporarily the duty on Dimyristyl Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4903. A bill to suspend temporarily the duty on Bis(4-t-butylcyclohexyl) Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4904. A bill to extend the temporary suspension of duty on 3,3',4,4'-Biphenyltetracarboxylic dianhydride; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4905. A bill to extend the temporary suspension of duty on 4,4'-Oxydianiline; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4906. A bill to extend the temporary suspension of duty on Pyromellitic dianhydride; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4907. A bill to suspend temporarily the duty on Dicetyl Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4908. A bill to suspend temporarily the duty on Lauroyl Peroxide; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4909. A bill to suspend temporarily the duty on Didecanoyl Peroxide; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. BERMAN, Mr. DELAHUNT, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. DANIEL E. LUNGREN of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. GOHMERT):

H.R. 4910. A bill to provide that the Secretary of Homeland Security may waive certain retirement provisions for reemployed annuitants in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 4911. A bill to amend the Controlled Substances Act to add human growth hormone to schedule III; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 4912. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of prepaid derivative contracts; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 4913. A bill to prohibit the limitation of certain air traffic in the New York and New Jersey region; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Ms. WATSON, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. MILLER of North Carolina):

H.R. 4914. A bill to amend the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 to provide for the integration of food security and nutrition activities into prevention, care, treatment, and support activities; to the Committee on Foreign Affairs.

By Ms. PRYCE of Ohio (for herself, Mr. HOBSON, and Mr. TIBERI):

H.R. 4915. A bill to amend title 38, United States Code, to expand access to hospital care for veterans in urban areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 4916. A bill to create a National Endowment to advance private sector development of aeronautics and space technologies by way of the National Advanced Space and Aeronautical Technologies Prize Award Program; to the Committee on Science and Technology.

By Mr. ROHRABACHER:

H.R. 4917. A bill to formulate situation and decision analyses, and to select procedures and systems, for deflecting and mitigating potentially hazardous near-Earth objects; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN:

H.R. 4918. A bill to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Ms. LORETTA SANCHEZ of California (for herself and Mrs. TAUSCHER):

H.R. 4919. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize temporary mortgage and rental payments, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 4920. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4921. A bill to extend the temporary suspension of duty on Lewatit; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 4922. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4923. A bill to extend the temporary suspension of duty on 2,6-Dichlorotoluene; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4924. A bill to extend the temporary suspension of duty on Crotonic Acid; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4925. A bill to extend the temporary suspension of duty on Fluorobenzene; to the Committee on Ways and Means.

By Ms. SUTTON (for herself, Ms. BORDALLO, Mrs. CAPPS, Mr. YARMUTH, Mr. ARCURI, Mr. WALZ of Minnesota, Mr. KUHL of New York, Mr. HASTINGS of Florida, Ms. MATSUI, Ms. CASTOR, Ms. SLAUGHTER, Mr. WELCH of Vermont, Mr. PICKERING, Mr. SARBANES, Mr. WILSON of Ohio, Mr. RYAN of Ohio, Mr. MICHAUD, Mr. COHEN, Mr. KILDEE, and Mrs. JONES of Ohio):

H.R. 4926. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a grant program for automated external defibrillators in schools; to the Committee on Education and Labor.

By Mr. TANCREDO:

H.R. 4927. A bill to authorize and request the President to award the Medal of Honor to Danny P. Dietz, formerly of Littleton, Colorado, for acts of valor on June 28, 2005, while fighting against the Taliban in Konar Province, Afghanistan; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 4928. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado; to the Committee on Transportation and Infrastructure.

By Mr. WHITFIELD of Kentucky:

H.R. 4929. A bill to amend the Tariff Act of 1930 to clarify that the antidumping and countervailing duty laws apply to the production of low-enriched uranium, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. MILLER of Florida, Mr. HAYES, and Mr. LATHAM):

H.R. 4930. A bill to amend title 10, United States Code, to ensure that members of the reserve components of the Armed Forces who have served on active duty or performed active service since September 11, 2001, in support of a contingency operation or in other emergency situations receive credit for such service in determining eligibility for early receipt of non-regular service retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.J. Res. 74. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. GOODE:

H.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States relating to the process by which the House of Representatives selects the President in the event no candidate receives a majority of electoral votes; to the Committee on the Judiciary.

By Mrs. BONO (for herself, Mr. HOYER, Mr. BERMAN, Ms. CLARKE, Mrs. BLACKBURN, Mr. COHEN, Mr. COOPER, Mr. COURTNEY, Mr. CANNON, Mr. CROWLEY, Mr. CALVERT, Mr. ENGEL, Mr. COBLE, Mr. HODES, Mr. COLE of Oklahoma, Mr. DAVID DAVIS of Tennessee, Ms. LEE, Mr. FERGUSON, Mr. LOEBSACK, Mr. FEENEY, Mr. MCDERMOTT, Mr. GILCHREST, Mr. MEEK of Florida, Mr. HOBSON, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. MOLLOHAN, Mr. KELLER, Mr. OBEY, Mr. LEWIS of California, Mr. RUPPERSBERGER, Mr. MACK, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCARTHY of California, Mr. SCHIFF, Mr. MCCAUL of Texas, Mr. SERRANO, Mr. TIM MURPHY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. PUTNAM, Mr. WELCH of Vermont, Mr. RAMSTAD, Mr. WEXLER, Mr. ROSKAM, Mr. SAXTON, Mr. TERRY, Mr. BOEHNER, Mr. KENNEDY, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. UPTON, Mrs. CUBIN, and Mr. PICKERING):

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences; to the Committee on Oversight and Government Reform.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, and Mr. REYES):

H. Con. Res. 274. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Republic of Iraq, and international community; 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 Ms. JACKSON-LEE of Texas (for herself, Ms. PELOSI, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. GOHMERT, Mr. CONAWAY, Mr. POE, Mr. HOYER, and Ms. DELAURO):

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Barbara Charline Jordan; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS:

H. Con. Res. 276. Concurrent resolution expressing the sense of Congress regarding Jordanian institutions; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FEENEY, Mr. CULBERSON, and Mr. BURGESS):

H. Con. Res. 277. Concurrent resolution rejecting and condemning the Equal Employment Opportunity Commission's position that English-only employment rules violate title VII of the Civil Rights Act of 1964 as unjustified and unsupported by law, and for other purposes; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008; to the Committee on Foreign Affairs.

By Mr. CAPUANO:

H. Res. 895. A resolution establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H. Res. 896. A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of the Hardy Brown Primary Lateral Sclerosis Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. BURTON of Indiana, and Mr. BOOZMAN):

H. Res. 897. A resolution recognizing the strategic importance of the African continent and welcoming the establishment of AFRICOM, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Mr. WALZ of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, and Mr. OBERSTAR):

H. Res. 898. A resolution recognizing the State of Minnesota's 150th anniversary; to the Committee on Oversight and Government Reform.

By Mr. CLAY (for himself, Mr. UDALL of Colorado, and Mr. GRIJALVA):

H. Res. 899. A resolution recommending that the Langston Golf Course located in northeast Washington, D.C., and owned by the U.S. National Park Service, be recognized for its important legacy and contributions to African American golf history, and for other purposes; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mrs. BONO, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. JONES of North Carolina, Mr. LEWIS of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. AL GREEN of Texas, and Mr. HOYER):

H. Res. 900. A resolution expressing support for designation of April as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable long-standing contributions to American culture; to the Committee on Oversight and Government Reform.

By Mr. CRENSHAW (for himself, Mr. STEARNS, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. FEENEY, Mr. MACK, Ms. CASTOR, Mr. PUTNAM, Mr. WELDON of Florida, Mr. BUCHANAN, Mr. MICA, Mr. KELLER, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 901. A resolution congratulating University of Florida Quarterback Timothy ''Tim'' Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

By Mrs. GILLIBRAND:

H. Res. 902. A resolution to commemorate the 230th Anniversary of the Battles of Saratoga and the significance this event played in winning American independence and spreading the ideals of freedom and democracy throughout the world; to the Committee on Natural Resources.

By Mr. HULSHOF:

H. Res. 903. A resolution honoring the national contributions of the Missouri School of Journalism in Columbia, Missouri, on its 100th Anniversary; to the Committee on Education and Labor.

By Mr. ISRAEL:

H. Res. 904. A resolution commending the Northport American Legion Post 694 located in Northport, New York, for raising funds for the Marine and Army combat units fighting in the Middle East, enabling them to purchase needed equipment; to the Committee on Armed Services.

By Mr. KINGSTON (for himself and Mr. BISHOP of Georgia):

H. Res. 905. A resolution commending the Valdosta State University Blazers on winning the NCAA Division II National Championship; to the Committee on Education and Labor.

By Mr. LAMBORN (for himself, Mr. EVERETT, Ms. HARMAN, Mrs. TAUSCHER, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. UDALL of Colorado):

H. Res. 906. A resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 907. A resolution congratulating the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicles; to the Committee on Science and Technology.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. KELLER, Mrs. DAVIS of California, and Mr. ROGERS of Michigan):

H. Res. 908. A resolution supporting the goals and ideals of National Mentoring Month; to the Committee on Education and Labor.

By Mr. MEEK of Florida:

H. Res. 909. A resolution commemorating the courage of the Haitian soldiers that fought for American independence in the ''Siege of Savannah'' and for Haiti's independence and renunciation of slavery; to the Committee on Foreign Affairs.

By Mr. PAYNE:

H. Res. 910. A resolution calling for the full implementation of the Sudan Comprehensive Peace Agreement; to the Committee on Foreign Affairs.

By Mr. SMITH of Washington (for himself and Mr. SKELTON):

H. Res. 911. A resolution expressing the sense of the House that the United States should increase United States forces in Afghanistan and responsibly redeploy forces from Iraq; 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.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

223. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 176 memorializing the Congress of the United States to Repeal Title II of the REAL ID Act of 2005 and to support a return to a negotiated rulemaking process with the states; jointly to the Committees on the Judiciary and Oversight and Government Reform.

224. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 207 memorializing the Congress of the United States to enact federal legislation designed to prevent elder abuse; jointly to the Committees on Ways and Means, the Judiciary, Energy and Commerce, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 368: Mr. ENGLISH of Pennsylvania.
H.R. 471: Mr. MOLLOHAN.
H.R. 503: Mr. ROSKAM.
H.R. 549: Mr. UDALL of Colorado.
H.R. 583: Mr. GILCHREST.
H.R. 662: Mr. CONYERS.
H.R. 743: Mr. SMITH of New Jersey and Mr. ALLEN.
H.R. 748: Mr. GILCHREST, Mr. BILIRAKIS, Mr. INSLEE, and Ms. ROYBAL-ALLARD.
H.R. 854: Mr. WEINER.
H.R. 891: Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, Mr. MITCHELL, Ms. BALDWIN, Mr. SHULER, Mrs. BIGGERT, Ms. SLAUGHTER, Mr. SARBANES, Mr. CONYERS, Mrs. JONES of Ohio, Mr. OBERSTAR, Mr. WHITFIELD of Kentucky, Mr. PITTS, and Mr. FATTAH.
H.R. 971: Mrs. CAPITO.
H.R. 997: Mr. LATOURETTE, Mr. NEUGEBAUER, Mr. HULSHOF, Mr. ROGERS of Michigan, and Mr. TIBERI.
H.R. 1023: Mr. SALAZAR and Mr. PERLMUTTER.
H.R. 1073: Mr. MILLER of North Carolina.
H.R. 1078: Mr. DELAHUNT.
H.R. 1084: Mr. MCGOVERN and Mr. PRICE of North Carolina.
H.R. 1091: Mr. TOWNS.
H.R. 1108: Mr. FALEOMAVAEGA and Mr. PICKERING.
H.R. 1113: Mr. ALTMIRE and Mr. MILLER of North Carolina.
H.R. 1134: Mr. PICKERING.
H.R. 1222: Mr. NEAL of Massachusetts.
H.R. 1223: Mr. NEAL of Massachusetts.

H.R. 1232: Mr. VAN HOLLEN.
H.R. 1237: Ms. ZOE LOFGREN of California.
H.R. 1246: Mr. LARSEN of Washington.
H.R. 1283: Mr. MCNERNEY.
H.R. 1286: Mr. MURPHY of Connectlcut.
H.R. 1293: Mr. GILCHREST.
H.R. 1298: Mr. MCGOVERN.
H.R. 1343: Mr. WILSON of Ohio.
H.R. 1366: Mr. WITTMAN of Virginia.
H.R. 1479: Mr. BLUMENAUER and Mr. WOLF.
H.R. 1497: Mr. MARKEY.
H.R. 1537: Mr. PEARCE.
H.R. 1542: Ms. ROYBAL-ALLARD, Mr. AL GREEN of Texas, and Mr. OBERSTAR.
H.R. 1552: Mr. GILCHREST.
H.R. 1553: Mr. CLYBURN.
H.R. 1576: Mr. YARMUTH.
H.R. 1609: Mr. HALL of Texas, Mr. BURGESS, Ms. SOLIS, Ms. DEGETTE, Mr. TERRY, Mr. PITTS, Mr. CAMPBELL of California, and Mr. LIPINSKI.
H.R. 1610: Mr. BISHOP of New York, Mr. WALSH of New York, Mr. WATT, Mr. FARR, Mr. FERGUSON, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. UPTON, and Ms. DEGETTE.
H.R. 1644: Mr. COSTELLO, Mr. ENGLISH of Pennsylvania, and Ms. LEE.
H.R. 1647: Mrs. CAPITO.
H.R. 1671: Mr. KLEIN of Florida and Mr. BERMAN.
H.R. 1707: Mr. CLEAVER.
H.R. 1738: Ms. SCHWARTZ, Mrs. CAPPS, and Mr. PEARCE.
H.R. 1740: Mr. KENNEDY.
H.R. 1742: Mr. COOPER, Mr. SESTAK, Mr. FATTAH, and Mr. COBLE.
H.R. 1755: Mr. PRICE of North Carolina.
H.R. 1818: Mr. WEINER.
H.R. 1843: Mr. CARNAHAN, Mr. PASCRELL, Mr. MARKEY, Mr. WAMP, Mr. ABERCROMBIE, Ms. HIRONO, Mr. BUTTERFIELD, and Ms. BEAN.
H.R. 1845: Mr. ARCURI.
H.R. 1849: Mr. FILNER.
H.R. 1884: Ms. GIFFORDS.
H.R. 1930: Mr. SESSIONS.
H.R. 1992: Mr. ENGEL, Mr. ISRAEL, Mr. MCNULTY, Mr. ANDREWS, Mr. WEINER, and Mr. PRICE of North Carolina.
H.R. 2017: Mr. WAXMAN.
H.R. 2040: Mr. WAMP, Mrs. MCMORRIS RODGERS, Mr. HAYES, Mr. GINGREY, Ms. FALLIN, Mrs. DRAKE, Mr. CROWLEY, Mr. PALLONE, Mr. CARNAHAN, Mr. BOOZMAN, Mr. ROSS, Mr. DREIER, Ms. SCHWARTZ, Mr. STARK, Mr. AKIN, Mr. DAVIS of Kentucky, Mr. COLE of Oklahoma, Mr. MCKEON, Mr. BURTON of Indiana, Mr. HULSHOF, Mr. DOGGETT, Mrs. LOWEY, Mr. INSLEE, and Mr. ALLEN.
H.R. 2054: Mr. KIND.
H.R. 2063: Mr. TIERNEY and Mr. ENGEL.
H.R. 2092: Mr. SHAYS.
H.R. 2103: Ms. WOOLSEY, Mr. PATRICK MURPHY of Pennsylvania, and Ms. ZOE LOFGREN of California.
H.R. 2109: Mr. BILIRAKIS.
H.R. 2116: Mr. LATHAM and Mr. CALVERT.
H.R. 2123: Mrs. NAPOLITANO and Ms. CASTOR.
H.R. 2210: Mr. NADLER.
H.R. 2265: Mr. VAN HOLLEN.
H.R. 2353: Mr. ARCURI.
H.R. 2370: Mr. MOORE of Kansas and Mr. MILLER of North Carolina.
H.R. 2449: Mr. JOHNSON of Georgia.
H.R. 2526: Mr. MORAN of Virginia.
H.R. 2550: Mr. SENSENBRENNER, Mr. CONAWAY, Mr. UPTON, and Mr. LIPINSKI.
H.R. 2564: Mr. SALI, Mr. MOLLOHAN, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. MCCOTTER, and Mr. MCCAUL of Texas.
H.R. 2567: Mr. RAHALL.
H.R. 2610: Mr. HONDA.
H.R. 2668: Mr. DEFAZIO and Mr. BLUMENAUER.
H.R. 2676: Mr. MCCOTTER.
H.R. 2744: Mr. ALEXANDER, Mr. JONES of North Carolina, Mr. WAXMAN, Ms. CLARKE, Mr. BUTTERFIELD, and Mr. MILLER of North Carolina.
H.R. 2762: Mr. HONDA, Mr. ACKERMAN, Mr. WHITFIELD of Kentucky, and Mr. PLATTS.
H.R. 2802: Ms. SCHWARTZ.
H.R. 2803: Mr. CUELLAR.
H.R. 2805: Mr. GOODE.
H.R. 2818: Mr. ROSKAM, Ms. GIFFORDS, Mr. GRIJALVA, Mr. MITCHELL, Mr. TIERNEY, Mr. PATRICK MURPHY of Pennsylvania, and Mrs. GILLIBRAND.
H.R. 2922: Mr. BRALEY of Iowa.
H.R. 2943: Mr. KLEIN of Florida and Mr. ARCURI.
H.R. 2965: Mr. STARK, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. WU, Mr. COURTNEY, Mr. FRANK of Massachusetts, Mr. KUCINICH, and Mr. DANIEL E. LUNGREN of California.
H.R. 2994: Mr. LATHAM, Mr. ALLEN, Mr. GILCHREST, and Mr. WYNN.
H.R. 3026: Mr. HONDA.
H.R. 3036: Mr. HINCHEY.
H.R. 3041: Mr. BRADY of Texas.
H.R. 3057: Mr. COHEN.
H.R. 3078: Ms. ZOE LOFGREN of California and Mr. GENE GREEN of Texas.
H.R. 3107: Mr. SOUDER.
H.R. 3119: Ms. BALDWIN.
H.R. 3132: Mr. CLAY and Mr. BAIRD.
H.R. 3140: Mr. SHUSTER, Mr. RUPPERSBERGER, Mr. KILDEE, Mr. BAIRD, and Mrs. CAPITO.
H.R. 3185: Mr. SIRES.
H.R. 3219: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3232: Mr. DAVIS of Kentucky, Mr. PEARCE, and Mr. WYNN.
H.R. 3286: Mr. MARSHALL.
H.R. 3298: Mr. JONES of North Carolina.
H.R. 3329: Mr. VAN HOLLEN.
H.R. 3334: Mr. FERGUSON.
H.R. 3363: Mr. GORDON, Mr. FILNER, Mr. EHLERS, and Mr. PAUL.
H.R. 3366: Mr. HINCHEY, Mr. ELLISON, Ms. BALDWIN, and Mr. COHEN.
H.R. 3368: Mrs. CAPPS and Mrs. GILLIBRAND.
H.R. 3380: Mrs. BIGGERT.
H.R. 3393: Mr. CONYERS.
H.R. 3430: Mr. VAN HOLLEN.
H R 3439: Mr. MORAN of Virginia.
H.R. 3440: Mr. MOLLOHAN.
H.R. 3450: Mr. MORAN of Virginia.
H.R. 3453: Mr. ALEXANDER.
H.R. 3457: Ms. ROYBAL-ALLARD.
H.R. 3533: Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, and Mr. KUCINICH.
H.R. 3544: Mr. MCCOTTER.
H.R. 3548: Mr. VAN HOLLEN.
H.R. 3609: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Ms. ROYBAL-ALLARD.
H.R. 3622: Ms. FOXX, Mr. CRAMER, Mr. MATHESON, and Ms. CORRINE BROWN of Florida.
H.R. 3646: Mr. ALEXANDER and Mr. UPTON.
H.R. 3652: Mr. CLAY.
H.R. 3660: Mr. ALEXANDER.
H.R. 3663: Mr. WEINER, Mr. RUSH, Mr. LANGEVIN, Mr. MCNERNEY, Mr. WU, Mr. JONES of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, and Mr. BRADY of Pennsylvania.
H.R. 3689: Mr. MCCOTTER.
H.R. 3721: Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. GOHMERT, Mr. GONZALEZ, and Ms. GRANGER.
H.R. 3735: Mr. CROWLEY.
H.R. 3818: Mr. LEWIS of Kentucky.
H.R. 3822: Mr. ALLEN.
H.R. 3825: Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. BERRY, and Mr. DUNCAN.
H.R. 3829: Mr. WAXMAN.
H.R. 3836: Mr. LANTOS.
H.R. 3852: Mr. TURNER.
H.R. 3854: Mr. WEINER.
H.R. 3862: Ms. SCHAKOWSKY.
H.R. 3865: Mr. MLLLER of North Carollna.
H.R. 3932: Mr. HONDA.
H.R. 3934: Mr. FATTAH.
H.R. 3979: Mr. HONDA.
H.R. 3981: Mr. COHEN.
H.R. 3995: Mr. BOUSTANY.
H.R. 4008: Mr. YARMUTH.
H.R. 4011: Ms. DEGETTE.
H.R. 4014: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.
H.R. 4015: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.
H.R. 4016: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.
H.R. 4040: Mr. ACKERMAN, Mr. ALTMIRE, and Mr. DONNELLY.
H.R. 4054: Mr. LYNCH, Mr. LEVIN, and Mr. ARCURI.
H.R. 4061: Mr. NUNES.
H.R. 4083: Mr. COHEN.
H.R. 4088: Mr. HENSARLING and Mrs. BIGGERT.
H.R. 4091: Mr. GRIJALVA.
H.R. 4105: Mr. ENGEL.
H.R. 4129: Ms. BORDALLO.
H.R. 4133: Mr. HALL of Texas and Mr. BARRETT of South Carolina.
H.R. 4139: Mr. MCINTYRE.
H.R. 4149: Mr. MORAN of Virginia.
H.R. 4152: Mr. HARE and Mr. BRALEY of Iowa.
H.R. 4169: Mr. WOLF.
H.R. 4198: Mr. PRICE of North Carolina.
H.R. 4204: Mrs. BOYDA of Kansas, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.
H.R. 4206: Mr. COHEN and Mr. MILLER of North Carolina.
H.R. 4207: Mr. TIBERI.
H.R. 4218: Ms. ZOE LOFGREN of California and Mr. ALLEN.
H.R. 4230: Mr. RYAN of Ohio, Mr. WAXMAN, and Mr. EMANUEL.
H.R. 4236: Mr. SMITH of New Jersey.
H.R. 4246: Mr. ENGEL, Mr. BOOZMAN, Mr. SCOTT of Georgia, Mr. BLUMENAUER, and Mr. BURTON of Indiana.
H.R. 4247: Ms. BORDALLO and Mr. MILLER of North Carolina.
H.R. 4255: Mr. BRADY of Pennsylvania and Mr. LANGEVIN.
H.R. 4266: Mr. FOSSELLA.
H.R. 4297: Mr. PETERSON of Pennsylvania.
H.R. 4301: Mr. RAHALL.
H.R. 4310: Mr. MICHAUD.
H.R. 4318: Mr. TANNER, Mr. ENGLISH of Pennsylvania, Mr. WALSH of New York, and Mr. DUNCAN.
H.R. 4321: Mr. ORTIZ, Mr. SCOTT of Georgia, and Mr. COHEN.
H.R. 4344: Mr. PUTNAM.
H.R. 4355: Mr. SNYDER.
H.R. 4368: Mr. SMITH of Texas and Mr. MARCHANT.
H.R. 4454: Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, and Mr. LEWIS of Kentucky.
H.R. 4458: Mrs. CHRISTENSEN.

H.R. 4462: Mr. PETERSON of Minnesota and Mr. FARR.
H.R. 4464: Mr. LEWIS of Kentucky and Mr. DUNCAN.
H.R. 4540: Mr. SARBANES.
H.R. 4544: Mr. BERRY, Ms. MATSUI, Mr. ALTMIRE, Mr. ELLSWORTH, Mr. HILL, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. ETHERIDGE, Mr. SNYDER, Mr. DICKS, Ms. HERSETH SANDLIN, MS. GIFFORDS, Mr. THOMPSON of California, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. BURTON of Indiana, and Mr. MATHESON.
H.R. 4545: Mr. STARK, Ms. WATSON, Mr. GUTIERREZ, and Ms. CORRINE BROWN of Florida.
H.R. 4577: Mrs. DRAKE.
H.R. 4660: Mr. GEORGE MILLER of California and Mr. FRANK of Massachusetts.
H.R. 4788: Mr. HINCHEY.
H.R. 4807: Mr. DELAHUNT and Mr. COHEN.
H.R. 4835: Mr. DEFAZIO, Mr. UDALL of New Mexico, Ms. WATERS, and Ms. WOOLSEY.
H.J. Res. 54: Mr. HIGGINS, Mr. MORAN of Virginia, Mr. TIM MURPHY of Pennsylvania, Mr. TIAHRT, and Mrs. WILSON of New Mexico.
H.J. Res. 64: Mr. GRIJALVA.
H.J. Res. 70: Mr. KANJORSKI, Mr. MILLER of North Carolina, Mr. ANDREWS, Mr. KLEIN of Florida, Mr. MCKEON, Mr. SPACE, Mr. CANTOR, Mr. CASTLE, Mr. GOODLATTE, and Mr. DANIEL E. LUNGREN of California.
H. Con. Res. 81: Mr. WELDON of Florida and Mr. ALLEN.
H. Con. Res. 119: Mr. MCCOTTER.
H. Con. Res. 137: Mr. SOUDER.
H. Con. Res. 176: Mr. GOHMERT.
H. Con. Res. 232: Mr. ENGLISH of Pennsylvania.
H. Con. Res. 239: Mr. FORTENBERRY.
H. Con. Res. 244: Mrs. CUBIN.
H. Con. Res. 249: Mr. UDALL of Colorado, Mr. MARKEY, and Mr. OBERSTAR.
H. Con. Res. 250: Mr. SOUDER, Mr. MCCOTTER, and Mr. STARK.
H. Con. Res. 263: Mr. HELLER.
H. Con. Res. 267: Mr. OLVER, Mr. HALL of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. BARROW.
H. Res. 37: Ms. MCCOLLUM of Minnesota.
H. Res. 49: Mr. CLAY.
H. Res. 111: Mr. STUPAK.
H. Res. 163: Ms. BALDWIN.
H. Res. 185: Ms. BORDALLO.
H. Res. 213: Mr. VAN HOLLEN.
H. Res. 333: Ms. MOORE of Wisconsin.
H. Res. 339: Mr. DUNCAN.
H. Res. 373: Mr. ROSKAM.
H. Res. 445: Mr. CHABOT.
H. Res. 537: Mr. LINCOLN DIAZ-BALART of Florida and Mrs. BLACKBURN.
H. Res. 618: Mr. OBERSTAR.
H. Res. 620: Mr. NEAL of Massachusetts, Mr. BISHOP of New York, Mr. CONYERS, Mr. COSTA, Mr. CLAY, Mr. CALVERT, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Mr. HODES, Mr. SCOTT of Virginia, and Ms. MATSUI.
H. Res. 671: Mr. MCCOTTER.
H. Res. 700: Mr. WALDEN of Oregon and Mr. MCCARTHY of California.
H. Res. 705: Mr. ALEXANDER.
H. Res. 753: Mr. PATRICK MURPHY of Pennsylvania.
H. Res. 758: Mr. PENCE.
H. Res. 776: Mr. MANZULLO and Mr. ISSA.
H. Res. 784: Mr. ALEXANDER.
H. Res. 795: Mr. COHEN.
H. Res. 814: Mr. WAXMAN.
H. Res. 854: Mr. FOSSELLA, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. ENGEL, and Mr. GENE GREEN of Texas.
H. Res. 868: Mr. COHEN.
H. Res. 879: Mr. BILIRAKIS, Mr. TANCREDO, and Mr. WEXLER.
H. Res. 888: Mrs. DRAKE, Mr. DAVID DAVIS of Tennessee, Mr. ADERHOLT, Mr. BOOZMAN, Mr. KLINE of Minnesota, Mr. TIBERI, Mr. YOUNG of Alaska, and Mr. MCCOTTER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DAVID R. OBEY

H.J. Res. 72, making further continuing appropriations for the fiscal year 2008, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. BOOZMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 4 by Mr. ADERHOLT on House Resolution 748: Stevan Pearce.