United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, FEBRUARY 12, 2008 No. 23

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 12, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SESTAK) for 5 minutes.

HONORING THE 99TH ANNIVERSARY OF THE NAACP

Mr. SESTAK. Mr. Speaker, for nearly a century, the National Association for the Advancement of Colored People, the NAACP, has been fighting for the civil rights and dignity of people of color. As a result of their efforts, our great Nation today can boast of a society more diverse, productive, prosperous and hopeful than any in history.

However, today's hope is a far cry from the violent segregation and discrimination that inspired Mary White Ovington, William English Walling and Dr. Henry Moskowitz to meet in a small room of a New York City apartment and commit the fledgling NAACP to the most important social movement in our national history. Today, the spirit of those brave and patriotic founders lives on in its leaders, like Dr. Joan Duval-Flynn, president of the Media, Pennsylvania NAACP chapter in my home district. I rise today to congratulate Dr. Duval-Flynn for her vision, intelligence and dedication. She leads a chapter of the NAACP born of a violent act in the early 1920s and committed to making Delaware County, Pennsylvania, a 21st century community where people of all colors and creeds live together as neighbors, friends and first-class citizens.

In my first year representing the Seventh District of Pennsylvania, the NAACP's magazine, The Crisis, featured an article titled ''Woman Warriors, Female Combatants Sacrifice Lives for Country.'' That article gave me cause to consider all of the extraordinary women and men of color I had the privilege of serving with during my 30 years in our Armed Forces. For that privilege and honor, I owe, and our Nation owes, a personal debt of gratitude to Dr. Duval-Flynn, Mary White Ovington and countless other members and leaders of the NAACP.

As W.E.B. Du Bois wrote in his first editorial page of The Crisis in 1910, that voice of the NAACP ''will stand for the rights of men, irrespective of color or race, for the highest ideals of American democracy, and for the reasonable but earnest and persistent attempt to gain these rights and realize these ideals.'' No truer words can be spoken than on this birthday of the NAACP. I am proud, therefore, to know and work with this one remarkable leader, Dr. Joan Duval-Flynn, in my district as with many others in my district and with the NAACP who gave us leaders such as she.

Founded on February 12, 1909, the NAACP is the Nation's oldest and largest civil rights organization. It has worked successfully with allies of all races who believe in, and stand for, the principles of civil rights on which the organization was founded.

The NAACP's legacy includes historic events as well as distinguished leaders, as I mentioned, W.E.B. Du Bois, but other civil rights leaders such as Rosa Parks and Medgar Evers and Thurgood Marshall, who served as special counsel for the NAACP when he argued the historic U.S. Supreme Court case of Brown v. Board of Education, a landmark victory for equality that outlawed segregation in our schools. Our obligation to African Americans and all Americans is to honor the accomplishments of the past by acting in a substantive manner to improve their lives in the future.

Thank you, NAACP; thank you, Dr. Joan Duval-Flynn; and thank you for the time this morning, Mr. Speaker.

RECESS

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

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

Chaplain William E. Dickens, Jr., 445th Airlift Wing, Wright-Patterson Air Force Base, Ohio, offered the following prayer:

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Father, we acknowledge that all blessings come from You. I ask that You give the men and women who serve this great Nation from these desks wisdom, courage, and discernment to make decisions that are honoring to You and right for this country.

Presently, there are soldiers, sailors, airmen and marines deployed around the world in harm's way. Father, I pray that You will keep them safe, give them purpose, guard their hearts from loneliness and despair, and bring them home soon. For their families, I pray that You will comfort them and meet all of their needs. For those who have given their lives in defense of freedom, words cannot express our sorrow and our gratitude. May our actions honor their sacrifice, and may Your peace comfort their families.

Father, for this great Nation, I pray that it will continue, under Your blessing, to stand as a beacon for goodness and a bastion of freedom. May we understand the message of Your scripture: ''To whom much has been given, much will be expected.''

In Your precious name I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Ms. SOLIS 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.

GREEN JOBS AND ECONOMIC GROWTH

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

Ms. SOLIS. Mr. Speaker, it's no surprise that our Nation's economy is struggling. The cities in the 32nd Congressional District that I represent have seen unemployment rates soar to 7.2 percent. Gasoline prices continue to go up above $3.

In Los Angeles, a family loses a home to foreclosure every hour.

However, the renewable energy and energy efficiency sectors seem to be booming.

In 2006, the renewable energy and energy efficiency sectors generated 8.5 million jobs, nearly $1 trillion in revenue for the United States. These jobs are good-paying jobs, and they will not be outsourced.

The Green Collar Job Act that was signed into law recently will help train 3 million new workers. Through the program, workers included will be those in underserved communities like mine.

In this time of economic turmoil, we need to invest in America and in our workforce. Let's make sure that Congress appropriates the accorded amount of money so that we can create this stream of jobs that will stay here on our shores.

CONGRATULATIONS TO PRESIDENT BORIS TADIC

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

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to President Boris Tadic and the people of Serbia on his re-election as President of the Republic of Serbia.

President Boris Tadic has been a strong and vibrant leader for the people of Serbia. He has led his people in their bid to become a member of the European Union because he understands that inclusion in the EU would be a strong step toward growing the Serbian economy and advancing the cause of peace and freedom in the region. The Serbian people have an extraordinary history and culture, and I am hopeful the principles of freedom and democracy embodied by the leadership of President Tadic will continue to thrive.

As a proud member of the Serbian Caucus, I look forward to working with my colleagues and our diplomatic partners in Serbia to forge a growing partnership between our two nations. Congratulations to President Tadic and the people of Serbia for building a robust free market democracy which is crucial for our Balkan nations.

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

My deepest sympathies to Annette Lantos, the Lantos family, staff and constituents on the death of Chairman TOM LANTOS. He lived to see Hungary, his birthplace, become a thriving free market democracy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

HONORING THE LIFE OF SENIOR BORDER PATROL AGENT LUIS A. AGUILAR

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 954) honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 954

Whereas Luis Aguilar was born in El Paso, Texas, on November 26, 1976, to Luis Aguilar and Cecilia G. Silva;

Whereas Luis Aguilar resided in Somerton, Arizona, and is survived by his mother and father, his wife, Erica Aguilar, his two children, Luis and Arianna, his brother, senior Border Patrol agent Marco Antonio Aguilar, and his sister, Angie Aguilar;

Whereas Luis Aguilar joined the United States Border Patrol on July 21, 2002;

Whereas on January 19, 2008, after over 5 years of dedicated service in the United States Border Patrol, Luis Aguilar selflessly paid the ultimate sacrifice in service to the United States;

Whereas Border Patrol agents carry out the vital role of protecting our Nation's borders and ensuring the safety of the United States;

Whereas Border Patrol agents work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves; and

Whereas the United States will forever be grateful for the service of Luis Aguilar and mourn his loss: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the dedication and sacrifice made by the men and women who have lost their lives while serving as United States Border Patrol agents;

(2) honors Luis Aguilar for his service as a Border Patrol agent and for his sacrifice to the United States; and

(3) extends its deepest condolences to the family of Luis Aguilar.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this resolution and include therein any extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Resolution 954, honoring senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008.

I would also like to thank Congresswoman ZOE LOFGREN, a member of the Committee on Homeland Security, for introducing this important legislation.

Mr. Speaker, on January 19, 2008, Agent Aguilar was working with fellow

Border Patrol agents to secure a suspected narcotics smuggler in the Imperial Sand Dunes Recreational Area when he was struck and killed by the suspected smuggler's vehicle as it fled into Mexico.

A native of El Paso, Texas, Agent Aguilar had been assigned to the Yuma Border Patrol station since joining the Border Patrol in July 2002. He was just 32 years old at the time of his death.

Agent Aguilar is survived by his wife, Erica; his children, Luis and Arianna; his father, Luis Aguilar, Sr.; his sister, Angie; and his Border Patrol brother, senior Border Patrol agent, Marco Antonio Aguilar.

Sadly, Mr. Speaker, Agent Aguilar's mother, Cecilia Silva, recently passed away after her son's tragic death.

We're here to honor Agent Aguilar, a young man who's made the ultimate sacrifice to protect the sovereign borders of the United States and make America more secure.

The mission of the U.S. Border Patrol is to control the nearly 6,000 miles of land border between ports of entry with Mexico and Canada, and the coastal waters around Florida and Puerto Rico.

The death of Agent Aguilar serves as a stark reminder of the risks our frontline agents and officers face each day as they serve as the guardians of our Nation's land borders.

As chairman of the Homeland Security Committee, I've been to the southern border on a number of occasions. I've witnessed firsthand the dedication of the men and women of the U.S. Border Patrol, often under difficult and dangerous conditions. They work long hours, often late into the night, in extreme heat and cold.

Like Agent Aguilar, they are our Nation's last line of defense against would-be terrorists, drug traffickers and others who would seek to enter this Nation illegally. Agent Aguilar's contribution to our Nation's security deserves this recognition.

Mr. Speaker, I ask my colleagues to join me in honoring senior Border Patrol Agent Luis Aguilar in his service to our Nation, and offer my deepest condolences to the family.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

It is with great sorrow and profound gratitude that I rise to support this resolution to honor the life and service of senior Border Patrol guard Luis Aguilar, who was tragically killed in the line of duty on January 19, 2008. He died after being struck by a vehicle driven by a suspected smuggler in the Imperial Sand Dunes Recreation Area of California.

The work of a Border Patrol agent is inherently dangerous. In the normal course of their work, they run the risk of heat exhaustion, frostbite, and other challenges from the outdoor environment. Of even greater concern is the threat from smugglers and criminals seeking to illegally cross our borders who engage in violence against our Border Patrol agents.

As more agents, assets, and infrastructure are placed along the border, criminal activity is prevented from continuing with impunity. The unfortunate result of gaining operational control of our borders is an increase in violence targeted at agents. And we have seen a significant spike in the past several years, with nearly 1,000 assaults on agents last year, ranging from rock throwing to sniper attacks and to murder.

Agent Aguilar's death serves as a stark reminder of the risk our law enforcement agents face every day as they seek to secure our Nation's borders. These despicable criminal acts will only strengthen our resolve to secure our borders with additional agents, fencing, vehicle barriers, and technology. The Border Patrol plays a vital role in protecting America, and the sacrifices of its agents will not be forgotten.

I recently conducted an overnight visit on the Southwest border and saw firsthand the challenges and the dangers that these agents face. I returned with the clear resolve to support all the tools, resources, infrastructure, and policies necessary to gain operational control of our borders.

I would like to recognize the excellent work of U.S. law enforcement personnel and the Government of Mexico for tracking down and arresting the primary suspect in the murder of Agent Aguilar on January 22. For the sake of the Aguilar family, the Border Patrol and the justice for Agent Aguilar, I ask the Government of Mexico's continued cooperation and support to extradite this individual to the United States for trial.

The men and women of the Border Patrol face challenges and threats every day with vigilance, dedication to service, and integrity as they work to strengthen our national security and to protect America and its citizens.

I would like to once again extend my condolences to the Aguilar family and sincerely thank Agent Aguilar for his service to our Nation.

I would also like to extend my condolences for the recent passing of Agent Aguilar's mother, Cecilia.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. GRIJALVA).

□ 1415

Mr. GRIJALVA. Mr. Speaker, I thank the chairman for yielding time, and let me also thank Congresswoman ZOE LOFGREN for the very important resolution, H. Res. 954, that she introduced.

I rise in support of H. Res. 954 and to honor the life of senior Border Patrol Agent Luis A. Aguilar who lost his life in the line of duty near Yuma, Arizona, on January 19 of this year. He lost his life on a border filled with dangers for agents who confront organized drug and people smugglers on a daily basis, smugglers who are prepared to go to great and dangerous lengths to protect their profit and to protect the illegal activities they are conducting on the border.

First, let me give my condolences to Mr. Aguilar's family who gave the ultimate sacrifice, his wife, son, and daughter, who have lost an American hero. I'm proud to say that Agent Aguilar lived in Somerton, Arizona. He was originally from El Paso, Texas, but was raising his family in the district that I have the privilege to represent in this Congress.

His life was devoted to this country as he served in the U.S. Border Patrol for more than 5 years. He protected this country and enforced its laws.

For his wife, children, and family, he provided them with a great foundation. He was a devoted family man, actively involved in the lives of his children and his family, making sure that his family was first. Community members could always count on him being there on a T-ball or soccer field cheering on his children and other children.

Luis Aguilar will be remembered as a quiet, yet strong, man who always had a smile on his face for his friends and family.

Mr. Speaker, we may disagree on the nature, the content and the future of an immigration policy for this Nation, but there is no disagreement on the bravery and value of the men and women who carry out this policy for us. In honoring Luis Aguilar and his family, we honor all of them and respect them all.

I urge my colleagues to support H. Res. 954 in memory of Luis Aguilar and in gratitude for his service and the service of his colleagues in the Border Patrol.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from California, my good friend, Mr. ROYCE.

Mr. ROYCE. Mr. Speaker, I rise to honor senior Border Patrol Agent Luis Aguilar. He was killed 3 weeks ago on January 19. He was intentionally struck by the driver of a vehicle that he was attempting to stop.

And on that day, Border Patrol agents observed both a Ford pickup truck and a Hummer crossing illegally from Mexico into the United States. It was near Yuma, Arizona, and they began pursuit. The drivers of the two vehicles saw that the agents were following them, and they turned back toward the border. But as Agent Aguilar deployed spike strips, he was intentionally struck by the driver of that Hummer.

His death serves for us as another stark reminder of the dangerous environment our Border Patrol faces every day. Violence against Border Patrol agents, I sadly report, is increasing in

the United States. It has gone up 31 percent. Between 2006 and 2007, the number of incidents rose from 752 attacks to 987 against our Border Patrol agents. Agents are being assaulted with an arsenal of weaponry that includes bottles and knives, bats, ball bearings, steel pipes, cinder blocks, slingshots and vehicles.

When I was chairman of the Subcommittee on International Terrorism and Nonproliferation, I held hearings down on the border, both in Laredo, Texas, and in San Diego, and the focus was on border vulnerabilities and on international terrorism. At that time, there had been some reports of international terrorists trying to cross that border.

One thing the Border Patrol asked us for, and they said this would make an immediate impact on securing our borders and securing our Nation, they asked us for a double border fence, as was finally passed in the Secure Fence Act. Many Americans strongly supported that legislation to construct that fence to help slow illegal entry into the United States, and, quite frankly, they are baffled that Congress took such a step back from strengthening our border security, as we did with that omnibus spending bill earlier this year, because that omnibus spending bill gutted the Secure Fence Act. The Secure Fence Act required double fencing. It would put a fence where it was needed most, in areas that have the highest instances of drug smuggling, of human smuggling, and of gang activity.

The omnibus bill that we passed here, that I opposed, removed the two-tier requirement and the list of locations. It also put up numerous bureaucratic and legal hurdles to undermine the fence's completion. It's past time we strengthen operational control of our borders. We need to use every tool available to give the Border Patrol the support they need to help protect Border Patrol agents as they requested.

Again, I just want to recognize the service of Agent Luis Aguilar, killed in the line of duty.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers at this time, and I am prepared to close if Mr. DAVIS is prepared, also.

Mr. DAVID DAVIS of Tennessee. I have another speaker, Mr. Speaker.

Mr. Speaker, I yield 5 minutes to my good friend, Mr. BILBRAY, from California.

Mr. BILBRAY. Mr. Speaker, Agent Aguilar, like myself, was born and raised on the border. He knew the challenges that faced the border. He understood the risks, and sadly, his life, as documented, was the price he paid for out-of-control borders.

I just hope that everyone today, when they vote on this bill and support this bill, recognizes that for all too long Border Patrol agents have not only faced the threat of life-and-death situations along the border while they're enforcing our laws, protecting our neighborhoods, and protecting the lives of illegal immigrants crossing the border every day. A story that's not told enough about when somebody crossing the border illegally needs to be saved while they're dying in the desert, drowning in rivers, being attacked by coyotes, it's the Border Patrol agents who are the last straw of survival for so many of these illegals.

Border Patrol Aguilar proved his loyalty to America with his life, and sadly, I just ask all of us to remember that there are Aguilars up and down the border, north and south, all over this country, doing a tough job and, frankly, not getting very much credit, in fact, getting attacked personally and viciously just because they're doing the tough job that the American people want.

I just hope that we understand that our job today is to recognize the sacrifice of the Aguilar family and remember that when Mrs. Aguilar passed away after finding out about her son, I'm sure she would want to send a message of do what you can, Congress, to make sure my other son is safe, protected, and well-provided for in his duties of serving the American people.

So, Mr. Speaker, I'd ask that we recognize the service of not only Agent Aguilar but his mother, his brother, and his entire family, and by doing that, let's be brave enough to send them the resources, both in physical equipment and in the proper laws, that the Border Patrol agents have been asking us to do for a long time so that they do not have to continue to function in this killing zone that we call the border area.

And so I ask strongly the Democrats and Republicans to join together and let's do what we can to avoid this situation in the future. That may mean taking some hits from our friends about building fences or cracking down on illegal employers, doing all those things that we have not done enough in the past, and that, Mr. Speaker, would truly be a good recognition of the service of Agent Aguilar and an appropriate memorial by this Congress.

Mr. THOMPSON of Mississippi. Mr. Speaker, might I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Mississippi has 15 minutes. The gentleman from Tennessee has 10½ minutes.

Mr. THOMPSON of Mississippi. Thank you very much. I continue to reserve, Mr. Speaker. I have no other speakers.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, as I prepare to close, I want to again thank the Aguilar family and pass on the American people's condolences to the Aguilar family. I want to thank his fellow Border Patrol agents who are willing to protect our freedoms each and every day, and I would like to urge my colleagues in support of this resolution this afternoon.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution to recognize the life of senior Agent Luis Aguilar. The loss of Agent Aguilar not only leaves a big hole in the Border Patrol organization but in the lives of his family.

I'd like to express again my sincere condolences and urge passage of this important resolution.

Mr. REYES. Mr. Speaker, I rise in support of H. Res. 954, a resolution honoring the life and career of Senior Border Patrol Agent Luis A. Aguilar who on January 19, 2008 lost his life at the young age of 32 in the line of duty near Yuma, Arizona.

A native of my district of El Paso, Texas, Agent Aguilar began his career with the United States Border Patrol on July 21, 2002 after attending the 519th Session of the Border Patrol Academy. Upon graduation, Agent Aguilar was assigned to the Yuma Border Patrol Sector in Arizona.

On the day of Aguilar's tragic death, he was trying to deflate the tires of a Hummer being driven by a suspected narcotics smuggler who was attempting to flee back to Mexico across the Imperial Sand Dunes. The suspect accelerated while swerving and struck Agent Aguilar who was unable to move from the path of the vehicle. Injuries sustained by the impact caused the tragic loss of Agent Aguilar.

Chief Border Patrol Agent Chief David V. Aguilar posthumously awarded Agent Aguilar the Border Patrol's Purple Cross. This medal is one of the highest honors bestowed on an agent and is awarded to those who have sustained life-threatening injuries or have been killed in the line of duty.

I offer my deepest condolences to his wife, Erica and his children, Luis and Arianna. I would also like to ask that the House take a moment to morn the loss of Agent Aguilar's mother, Cecilia Silva, who just last week lost her fight with cancer. To his father, Luis Aguilar, your son was a hero in my eyes and the eyes of many across the nation.

Agent Aguilar committed his life to his job, and his family showed immense courage in supporting him and his mission. As a former Border Patrol agent myself, I know firsthand the dangers that an agent faces while protecting America's frontlines. Aguilar's dedication to his nation should be acknowledged, and today I ask my colleagues to join me in honoring Agent Aguilar for his service.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 954, honoring the life of senior border patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona. Agent Aguilar's death serves as another stark reminder of the risks our front-line agents and officers face each day.

Aguilar was trying to place spike strips in the path of two vehicles believed to have illegally entered the country from Mexico when one of the vehicles hit him. Both vehicles drove back across the border into Mexico. After over 5 years of dedicated service in the United States Border Patrol, Luis Aguilar selflessly paid the ultimate sacrifice in service to the United States.

The fatal incident occurred about 20 miles west of Yuma in the Imperial Sand Dunes

Recreation Area near Andrade, California, just over the California state line from Arizona. This area is frequently used by smugglers carrying people or drugs. A half hour earlier agents had seen a brown Hummer and a red Ford F–250 pickup crossing from Mexico into the United States. The vehicles traveled west on Interstate 8, and the vehicles turned around, heading back the way they had come with the Border Patrol in pursuit.

Luis Aguilar resided in Somerton, Arizona, and is survived by his mother and father, his wife, Erica Aguilar, his two children, Luis and Ariana, his brother, senior Border Patrol agent Marco Antonio Aguilar, and his sister, Angie Aguila.

Border Patrol agents carry out the vital role of protecting our Nation's borders and ensuring the safety of the United States. Agents work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves; and the United States will forever be grateful for the service of Luis Aguilar and mourn his loss.

I recognize the dedication and sacrifice made by the men and woman who have lost their lives while serving as United States Border Patrol agents. I honor Luis Aguilar for his service as a Border Patrol agent and for his sacrifice to the United States and extend my deepest condolences to the family of Luis Aguilar.

Ms. ZOE LOFGREN of California. Mr. Speaker, although we sometimes disagree in the debate over broader immigration policy, we all agree on one thing—that we should recognize and honor the brave Border Patrol agents who risk their lives every day on our border.

Day in and day out, in often harsh conditions over unforgiving terrain, they seek to protect our borders, save from death those economic migrants lost in the desert, and protect our country. They often do battle with drug smugglers and human traffickers who have no respect for authority—or even life. Yet rarely are these agents recognized for their courage or their sacrifice.

Unfortunately, sometimes it takes a tragedy for us to publicly recognize the selfless contributions that these Americans make for their country on a daily basis.

In this case, that tragedy is the death of Luis Aguilar, a Senior Border Patrol agent who lost his life in the line of duty while trying to apprehend suspected drug smugglers near Yuma, Arizona on January 19, 2008.

Agent Aguilar leaves behind his loving wife, Erica; his two children, Luis and Arianna; his brother, Marco Antonio, also a Senior Border Patrol agent; his sister, Angie; and his parents, Luis Aguilar and Cecilia Silva. They have all paid a heavy price for the service Luis Aguilar gave to protect this great Nation.

Today we honor Agent Aguilar and all of the other Border Patrol agents who have made the ultimate sacrifice for their country. We extend our deepest condolences to his family, as well as the families of all those who have fallen.

This Nation owes a debt of gratitude to them and all of the other Border Patrol agents who devotedly and selflessly work to keep us safe.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H. Res. 954, a resolution honoring Senior Border Patrol Agent Luis A. Aguilar, who recently lost his life in the line of duty.

We are fortunate to have a dedicated, brave group of men and women working to secure America's borders. Their efforts and expertise are critical to the success of any border security strategy, and to protecting our nation from dangerous individuals and goods. As the chair of the House Subcommittee on Border, Maritime and Global Counterterrorism, I am familiar with the terrain, conditions, and challenges of the southwest border and I deeply respect and value the work of our Border Patrol agents.

I am saddened to rise today to recognize the loss of one of our dedicated Border Patrol agents. On the morning of Saturday, January 19, 2008, Senior Border Patrol Agent Luis A. Aguilar lost his life in the line of duty as he attempted to stop a suspected drug smuggler fleeing through California's Imperial Sand Dunes Recreation Area outside Yuma, Arizona. We have heard that Agent Aguilar, an El Paso native and nearly 6-year veteran of the Border Patrol, was not supposed to be working that day. However, he reported to work when he realized he was needed.

Aguilar's father, a bailiff in El Paso for Judge Mary Ann Bramblett, said senior Agent Aguilar felt a strong commitment to his job and to preventing the flow of illegal drugs across our borders from reaching our communities and families. Judge Bramblett, who knew senior Agent Aguilar since he was a boy, said, "One of the ways he felt he could really give back to the country was to serve in the Border Patrol. Serving his country and serving his family were the two most important things Luis had in his life."

Mr. Speaker, Senior Border Patrol Agent Luis A. Aguilar gave his life serving our nation. I urge my colleagues to join me today in recognizing Agent Aguilar's extraordinary sacrifice, and in offering our sincere sympathy to his family, friends, and loved ones.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 954, 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. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1430

ACADIA NATIONAL PARK IMPROVEMENT ACT OF 2008

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2251) to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2251

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 ''Acadia National Park Improvement Act of 2008''.

SEC. 2. EXTENSION OF LAND CONVEYANCE AUTHORITY.

Section 102(d) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

''(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been acquired by the Secretary.''.

SEC. 3. EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.

(a) IN GENERAL.—Section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking ''20'' and inserting ''40''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 25, 2006.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 106 of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding the following:

''(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000.''.

SEC. 5. INTERMODAL TRANSPORTATION CENTER.

Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

''SEC. 108. INTERMODAL TRANSPORTATION CENTER.

''(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

''(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

''(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

''(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

''(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

''(4) to assist with the operation and maintenance of the intermodal transportation center.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

''(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.''.

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

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 2251 was introduced by my good friend from Maine, Representative MIKE MICHAUD. The legislation addresses several housekeeping matters at the Acadia National Park. Acadia, located on Mount Desert Island on the coast of Maine, is one of our most popular and most visited national parks.

This bill would authorize the park to participate in the construction of a new transit center. Currently, visitors can only catch the park bus at their hotels, meaning that day visitors have no access to the system. The bill would allow the park to participate in the establishment and operation of a planned intermodal center to be located just off the island. This center would provide visitor services, parking, and bus access to day visitors. A variety of Federal, State, and local agencies are involved in establishing the center.

H.R. 2251 would also extend the authorization of the Acadia National Park Advisory Commission for another 20 years, continuing this important forum for the park and local communities to jointly consider issues of importance.

Finally, H.R. 2251 would authorize an additional $10 million for the park's land acquisition budget to enable the park to keep pace with rising property values and providing for prompt payment to willing sellers who regularly offer their lands to the park.

At the hearing in the last Congress, the National Park Service testified in support of similar legislation, and that measure also passed in the Senate. The measure before us today has been updated to address several concerns by the National Park Service, and to cap NPS contributions to the intermodal transportation center.

Mr. Speaker, this bill will significantly improve the experience of visitors to one of our great national parks. Representative MICHAUD and Representative ALLEN are to be commended for their hard work on this legislation.

I urge the House to support H.R. 2251.

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

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

The gentleman from Arizona has adequately explained H.R. 2251, and we're prepared to accept this legislation with a brief clarification from the chairman of the subcommittee on the intent of this bill.

The question we have is, is the proposed intermodal transportation center intended to limit the access to the park by automobile, or is this part of a larger plan to abolish the public's ability to travel through the park by private automobile?

Mr. Speaker, I would yield to the gentleman from Arizona if he is prepared to address that issue right now.

Mr. GRIJALVA. Let me thank the gentleman from Utah for allowing me to try to clarify this point.

The Island Explorer transit system at Acadia is entirely voluntary and, I might add, very, very popular. I can categorically assure the gentleman that there are no plans to ban autos from Acadia. Visitors who want to drive the park's loop roads are welcome to do so, but many have found that riding the bus is much more convenient. So there is a categorical assurance that the intention of this legislation is not now or will be to ban automobiles from Acadia.

Mr. BISHOP of Utah. Thank you. Reclaiming my time, I appreciate that statement. And with that assurance, we can accept this legislation.

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

Mr. GRIJALVA. Mr. Speaker, at this time, I yield as much time as he may consume to Representative MICHAUD, the sponsor of this legislation.

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Acadia National Park Improvement Act.

I would like to thank Chairman RAHALL and Ranking Member YOUNG, as well as subcommittee Chairman GRIJALVA and Ranking Member BISHOP, for their work on this measure.

This is a very important bill for the State of Maine as well as the future of Acadia National Park. Acadia National Park is a spectacular and unique landscape of mountains, hills, ponds, marshes and shorelines.

Earlier visitors to Mount Desert Island and its surroundings helped to establish Acadia as the first national park east of the Mississippi. The park is a major engine of the regional economy, bringing in almost $130 million in visitor spending to the region, and supporting over 2,600 jobs.

The Acadia National Park Improvement Act will help the park continue to attract visitors to the area and maintain and preserve their important natural resources. It allows the park to continue to complete the vision laid out in the 1986 law setting the park's boundaries and to enhance the emission-reducing Island Explorer bus system.

Most importantly, this legislation will reauthorize the Acadia National Park Advisory Commission. The commission brings representatives of surrounding towns, the State of Maine, and the Department of the Interior together to make sure all community members are involved in park planning.

I want to thank everyone involved for their hard work on this, and I encourage my colleagues to vote in favor of this important bill for the State of Maine.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2251, 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.

KALAUPAPA MEMORIAL ACT OF 2008

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3332) to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3332

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 ''Kalaupapa Memorial Act of 2008''.

SEC. 2. ESTABLISHMENT OF MEMORIAL WITHIN KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized

by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

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

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 3332 would provide for the establishment of a memorial within the boundaries of the Kalaupapa National Historic Park on the island of Molokai, Hawaii. It will serve as a remembrance of thousands of Hansen's disease patients who were forcibly separated from family and friends and interned at this site.

Beginning in 1866, when the Hawaii Islands were still an independent kingdom, and continuing through 1969, residents of the islands who were infected with Hansen's disease, also known as leprosy, were isolated from the rest of society at the settlement. In all, 8,000 Hansen's patients were forcibly relocated to the settlement where they struggled to create new lives. The majority succumbed to the disease while living there.

Today, less than 20 percent of the graves and headstones of these former patients can be found in the peninsula. The remaining 80 percent are forgotten on the landscape. A nonprofit organization made up of family and friends of former patients will be responsible for funding and constructing the memorial which will contain the names of all 8,000 patients who were forced to call this settlement their home.

Mr. Speaker, I would like to commend our colleague, Congresswoman HIRONO of Hawaii, and her cosponsor, Congressman ABERCROMBIE, also of Hawaii, for their efforts to ensure that all families of former residents have a fitting commemoration of their deceased loved ones.

Mr. Speaker, we enthusiastically support H.R. 3332 and urge its passage today as a tribute to the present and past Hansen's patients.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 3332 and yield myself as much time as I may consume.

The gentleman from Arizona has again adequately explained this particular bill, and I would urge my colleagues to support this legislation.

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

Mr. GRIJALVA. Mr. Speaker, I yield to the gentlelady from Hawaii (Ms. HIRONO) for as much time as she may consume.

Ms. HIRONO. I thank the gentleman for yielding.

Mr. Speaker, I rise to speak in support of H.R. 3332.

Kalaupapa is a 2¼-mile-wide shelf of land jutting out beneath sea cliff ranging from 1,600 to 3,000 feet in height on the island of Molokai. It is an incredibly beautiful and isolated area with a unique history.

This bill authorizes the establishment of a memorial at Kalaupapa National Historical Park in the memory of those who were forcibly relocated there because they suffered from or were suspected of having Hansen's disease, or leprosy. Once sent to Kalaupapa, most never saw their homes or their families again.

Kahauliko, Loe, Liilii, Puha, Kini, Lono, Waipio, Kainana, Kaumoana, Nahuina, Lakapu, and Kepihe. These are the names of the first 12 people who were exiled to Kalaupapa on January 6, 1886, 142 years ago.

This poster is a copy of the Kingdom of Hawaii's register, now at the Hawaii State Archives, of those sent to Kalaupapa Peninsula. These first 12 were all Native Hawaiians, nine men and three women. From that day forward until 1969, approximately 8,000 people living in the Hawaii Islands were taken from their families and isolated on Kalaupapa Peninsula, first in Kalawao, and later in the town of Kalaupapa. Because of society's fear of leprosy, which we now call Hansen's disease, food was scarce, and shelter and health care were minimal for the new arrivals. The mortality rate for exiles in the first 5 years was 46 percent due to the poor conditions.

''An Act to Prevent the Spread of Leprosy'' was first signed into law in 1865 by Lot Kamehameha, the King of Hawaii. The act essentially criminalized the disease. Children, mothers, and fathers were forcibly separated. Children born to parents at Kalaupapa were taken away from their mothers and sent to live in orphanages or with other family members outside of Kalaupapa.

The policy was continued in the Republic of Hawaii after Hawaii was annexed by the United States and into statehood. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, 10 years after statehood, even though medications to control the disease have been available since the late 1950s.

Nearly 6,700 of the approximately 8,000 people who have died at Kalaupapa, more than 75 percent, lie in unmarked or unidentifiable graves. Their names are known only in the official records, which are not easily accessible.

A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the purpose of the park, to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.

Many have heard of the sacrifices of Father Damien, who is represented by one of Hawaii's two statues in this Capitol, as well as those of Mother Marianne Cope and Brother Dutton, who each gave decades of their lives to care for the patients at Kalaupapa. Fewer know, however, of the courage and sacrifices of the exiles who were torn from their families and all they knew to make a life in this isolated area. It is important that their lives be remembered.

The Kalaupapa memorial will bring these people back to their rightful places in their family genealogy and history. Many families have gone to Kalaupapa to search for the graves of their ancestors; but with only 1,300 marked graves, most are disappointed.

In a letter of support for the memorial, David and Chris Mahelona explained why they, as Native Hawaiians, feel an urgent need for a monument that would list the names of everyone sent to Kalaupapa.

I quote: ''The naming process and the giving of a Hawaiian name is an important and sacred component of traditional Hawaiian culture. It is said that names carry significant mana, spiritual power, and they are actually a part of the person, just like an arm or leg. In ancient Hawaii, a person's name was one of the most precious possessions unique to that individual, and most times related to an event, an ancestor, or a personality trait. In every case, the kapuna (elders) are always consulted. It was the responsibility of the bearer of the name to carry its weight. Therefore, it is important to remember these people by their names at their final resting place.''

I would also like to read the testimony that Kuulei Bell, president of Ka 'Ohana O Kalaupapa, submitted to Congress. Kuulei, who contracted Hansen's disease at age 6, is now 74. And I recently visited her at Queens Hospital in Honolulu.

Kuulei testified: ''We need to remember the people who have dedicated their lives and came to Kalaupapa. Father Damien, who we love so much, came to take care of all those in Kalaupapa in the 1800s, and he became one of us, contracted the disease, and so we know how this is.

''And also we know that Mother Marianne gave her aloha and love with all the nuns to come and take care of the patients. They need to be remembered.

''These things are so important, and the monument is a big part of our history and our lives.

□ 1445

''So please consider what we are asking for is our history and for our children to know what happened to many

of our patients. How sad it was for my mother, who had to wait for me to go and she could not even touch me because of the disease. And I could not even touch my children. These are the things that we should consider, how important it is. These are the memories. So please consider these things. I say these things from my heart and I hope that you hear it.''

Kuulei ended her testimony thus: ''Thank you for listening to this. Aloha and much aloha; much, much mahalo.''

Ka 'Ohana O Kalaupapa, a nonprofit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in 2003 to promote the value and dignity of the exiles of Kalaupapa and to make certain that the lives of these individuals are honored and remembered through establishment of a memorial or memorials within the boundaries of the park at Kalawao or Kalaupapa.

I want to thank House Natural Resources Committee Chair NICK RAHALL and Parks Subcommittee Chair RAUL GRIJALVA for helping to move this important bill to the floor, and I also want to thank my cosponsor, Congressman NEIL ABERCROMBIE, for his strong support and assistance.

Most of all, I send my heartfelt aloha and mahalo to all the members of Ka 'Ohana O Kalaupapa, to all the Kalaupapa patients and their families, and most especially to Kuulei on this momentous day.

I ask all of my colleagues to vote ''yes'' on H.R. 3332.

Mr. BISHOP of Utah. Mr. Speaker, I'm once again appreciative of the remarks by the gentlewoman from Hawaii, and I'm also appreciative that now I know how to say ''Kalaupapa.'' Her staff was very kind enough to send over the pronunciation guide, but they didn't put where the accent marks should go; so I didn't know where the emphasis was on this particular word.

But with that, I am still very supportive of this particular act.

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

Mr. GRIJALVA. Mr. Speaker, at this time let me yield to my good friend from American Samoa (Mr. FALEOMAVAEGA) such time as he may consume.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I fully support the provisions of this proposed bill. The bill proposes to establish a memorial to honor the memory of all those people who became victims to the dreaded disease of leprosy, commonly known as Hansen's disease. I certainly want to commend my good friend and colleague the gentlewoman from Hawaii (Ms. HIRONO) and our colleague Congressman ABERCROMBIE for their cosponsorship or sponsorship of this important legislation.

Mr. Speaker, I also want to commend the chairman of our committee, Chairman RAHALL, and our ranking member, Mr. YOUNG, for their support and their leadership in bringing this legislation to the floor.

In 1987, I was honored to be asked by the Polynesian Voyaging Society, under the leadership of my good friend and brother Nainoa Thompson, to serve as a member of the crew of the Hawaiian Polynesian voyaging canoe known as the Hokule'a on which we were able to sail from the island of Runayto near the island of Tahiti. We sailed to Hawaii by means of traditional noninstrument navigation. It took us about 27 days when we landed on the big island of Hawaii. From the island of Hawaii, we went to Kalaupapa. It's Kalaupapa, located on the northern part of the island of Molokai, one of the islands that make up the State of Hawaii. This legislation brings back one of the most memorable experiences of my life, Mr. Speaker, my visit to Kalaupapa.

Kalaupapa is not only a national historical park but a place that has received international attention on account of the circumstances and events surrounding the history of what then took place under the sovereign kingdom of Hawaii in the early 1800s. Before the arrival of the Europeans, there were some 300,000 Native Hawaiians living on these islands. The warrior chief King Kamehameha with some 20,000 warriors and some 900 war canoes finally was able to unite these islands under one rule after some 2,000 years of conflict among the ruling chiefs of these islands.

What also occurred was the illnesses and the many diseases that Europeans brought to these islands, and one of these diseases was leprosy, or Hansen's disease. And the unfortunate situation at the time, having no knowledge or understanding of how they were going to cure it, the Native Hawaiians were not immune to this kind of sickness or illness. So the only way to, in any sense, prevent a health hazard was to send them to an isolated place where many of these Native Hawaiians became subjected to this dreaded disease, leprosy.

In the process, we also had probably, in my humble opinion, Mr. Speaker, one of the great leaders in the world, a Catholic priest originally from Belgium, named Father Damien. Father Damien, if there is anything that I could ever say the epitome of what the pure love of God is, this was one man who voluntarily ministered to these people, who lived in this colony or this settlement. It was full of lepers, and he voluntarily subjected himself even to this contagious disease, after 12 years of helping the people who lived there build chapels, build schools, and even helped bury those who died as a result of this dreaded disease.

Father Damien, as you know and maybe my colleagues are aware, was given as one of the two leaders representing the great State of Hawaii right here in Statuary Hall. And the beautiful story about this Catholic priest was the fact that he voluntarily gave his life in order to serve the people who contracted this dreaded disease leprosy on this beautiful area that is called Kalaupapa.

There was also another gentleman, and it might be as a matter of knowledge to my good friend from the State of Utah. At that time, it wasn't just people who were forced to have to live in this isolated settlement, but it caused so much sorrow and sadness where even those who were loved ones, your wives, your husbands, your daughters, your sons, and one of these leaders voluntarily went because his wife eventually contracted leprosy. His name was Jonathan Napela. He was a Native Hawaiian leader and was a high priest and a member of the Church of Latter Day Saints, commonly known today as the Mormon Church. And because of the love of his wife, he voluntarily went and lived there, and he also contracted the disease of leprosy. It was known as the program of kokua.

The interesting thing about Jonathan Napela was that this Native Hawaiian was able to translate the Book of Mormon from English into the Native Hawaiian language, along with another Mormon elder from Utah by the name of George Cannon. Jonathan Napela spent the last years of his life in this leper settlement because of the love for his wife, Kitty, who also contracted this.

There was a lot of controversy about the life of Father Damien at the time. The relationships between the Protestants and the Catholics were not very positive. In fact, according to the records, a minister of the Presbyterian Church, Reverend Hyde, castigated and literally criticized Father Damien for some of the things that he did. And in response there was another noted leader at that time, an author and a Scotsman from Scotland, who happens to be Robert Louis Stevenson, who had also contracted TB, tuberculosis. And trying to help his health, he spent the last 4 years of his life in my islands, the Samoan Islands. And to this day, Robert Louis Stevenson's grave is still there. Despite the wishes and desires of the Scottish people and the government to return his remains, we said no.

But the point that I wanted to make is that in response to the criticism that Father Damien got from his fellow ministers or those men of the cloth, I want to share with my colleagues Robert Louis Stevenson's response:

''When we have failed, and another has succeeded; when we have stood by, and another has stepped in; when we sit and grow bulky in our charming mansions,'' and he's talking about this minister, now, ''and a plain, uncouth peasant steps into the battle, under the eyes of God, and succours the afflicted, and consoles the dying, and is himself afflicted in his turn, and dies upon the field of honour, the battle cannot be retrieved as your unhappy irritation has suggested. It is a lost battle, and lost forever.''

My point of this is, Mr. Speaker, this national historical park Kalaupapa, I wish every Member of Congress would go and visit, just like my colleague from Hawaii, Congresswoman HIRONO. It's one of the most beautiful areas and sites that anybody would ever want to see north of the island of Molokai.

I wanted to share this with my colleagues because this Kalaupapa is not as unknown as some people may think or believe, and I thank the gentlewoman from Hawaii for having this proposed bill, that we should build a memorial to the thousands of Native Hawaiians and other races who had also contracted this dreaded disease and should be recognized for the sacrifices that they have had to make.

With that, Mr. Speaker, again, I thank my good friend from Arizona for giving me time to speak.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support the passage of H.R. 3332, the Kalaupapa Memorial Act of 2007. This measure would authorize Ka Ohana O Kalaupapa to establish a memorial to honor those who were forcibly relocated to Kalaupapa.

Kalaupapa is a National Historical Park located on a remote peninsula of northern Molokai. From 1866 through 1969, about 8,000 people afflicted with Hansen's disease, previously known as leprosy, were relocated to the area now known as Kalaupapa National Historical Park.

Many of the first settlers faced a harsh and difficult life. But the patients who were sent to Kalaupapa eventually built a community that allowed them to endure a life cut off from parents, children, brothers, sisters and friends. Even after medication was developed to control Hansen's disease, many patient residents chose to continue living in Kalaupapa.

The site became a national park in 1980 and is dedicated to preserving the memories and lessons of the past. Kalaupapa is a living memorial to a community that once lived in extreme isolation. It now serves as a place of education, contemplation and quiet beauty. Unfortunately, many of the residents who finished their life in Kalaupapa do not have recognizable graves or grave markers. The memorial established by this bill would serve as a permanent marker and reminder of all 8,000 residents who lived on Kalaupapa.

A little more than 20 patients remain in Kalaupapa. As time passes, the number of former residents of Kalaupapa gets smaller, as do the number of people who remember this part of Hawaii's history. With each passing, the sense of urgency for erecting a memorial becomes more and more heightened. We need to pass this bill as soon as possible so that this memorial becomes a reality before the passing of the next Kalaupapa resident.

My colleague Representative MAZIE HIRONO has worked tremendously hard to bring this bill to the floor today. I commend her efforts and would also like to express my gratitude to Representative NICK RAHALL, Chairman of the Natural Resources Committee, and Representative RAÚL GRIJALVA, Chairperson of the Subcommittee on National Parks, Forests and Public Lands. We would not be here today were it not for their support and enthusiasm. I wholeheartedly support this bill, am proud to be an original cosponsor and ask my colleagues for their support of H.R. 3332.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3332, 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.

RECOGNIZING THE 100TH ANNIVERSARY OF THE DECLARATION OF MUIR WOODS NATIONAL MONUMENT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 868) recognizing the 100th anniversary of the declaration of Muir Woods National Monument by President Theodore Roosevelt.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 868

Whereas Congressman William Kent of California recognized the transcendent beauty and national significance of the coastal redwood trees and he set aside his private land for future generations;

Whereas Congressman Kent donated his lands to be known as Muir Woods in the State of California as the first National monument, presenting them to the United States Government as a gift to the people of the United States;

Whereas Muir Woods provides a keystone for conservation stewardship and a rich natural laboratory to explore the philosophy of its namesake, the admired conservation activist John Muir;

Whereas Muir Woods was recognized 100 years ago to be ''of extraordinary scientific interest and importance because of the primeval character of the forest and the character, age and size of the trees'';

Whereas the Kent donation made it possible for President Theodore Roosevelt to exercise one of the Nation's most unique preservation tools, the Antiquities Act, by declaring Muir Woods National Monument for the American people;

Whereas Muir Woods National Monument is preserved today through the dedicated staff and volunteers of the National Park Service;

Whereas on May 19, 1945 international delegates to the historic Charter Convention of the United Nations met in the beauty and peace of Muir Wood's Cathedral Grove to open the convention and honor the memory of the late President Franklin D. Roosevelt; and

Whereas in 1972 Muir Woods National Monument became part of the Golden Gate National Recreation Area and today attracts up to a million visitors annually: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the foresight of President Roosevelt in using the Antiquities Act in declaring Muir Woods National Monument;

(2) recognizes the 100 years of careful preservation of America's Coastal Redwood forest within Muir Woods National Monument; and

(3) recognizes the natural and historical importance of the Muir Woods National Monument in the State of California and to the Nation.

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

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

House Resolution 868, introduced by our colleague from California, Representative LYNN WOOLSEY, recognizes the beauty and the significance of Muir Woods National Monument on its 100th anniversary. Muir Woods National Monument preserves one of the last remaining ancient redwood forests on the Pacific Coast and in the world.

The coast redwood is the tallest species of tree in the world and one of the oldest. The mature trees of the Cathedral and Bohemian groves in Muir Woods reach heights of 250 feet and average between 600 and 800 years in age, with the oldest believed to be at least 1,100 years old.

In 1905, Congressman William Kent, who later went on to introduce the bill that would establish the National Park Service, purchased the land where Muir Woods stands, recognizing the beauty, value, and significance of an uncut, old-growth redwood forest. Eventually, Congressman Kent donated 295 acres to the Federal Government.

On January 9, 1908, using the Antiquities Act, President Roosevelt declared Kent's donated land a national monument, proclaiming that the groves of the redwoods were of ''extraordinary scientific interest and importance because of the unique character of the forests and the character, age, and size of the trees.''

President Roosevelt wanted to name the new monument for Congressman Kent, but Kent insisted that it be named after the venerable conservationist John Muir, who sought to protect some of America's most iconic landscapes for their inherent national beauty. These ancient trees now offer a silent, yet powerful, testimony to Muir's ideals.

Mr. Speaker, I commend and congratulate my colleague Representative WOOLSEY, for her commitment and leadership on this matter. We strongly support passage of House Resolution 868 and urge its adoption by the House today.

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

□ 1500

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from Arizona has adequately explained the bill.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the sponsor of the bill.

Ms. WOOLSEY. Mr. Speaker, my district, just across the Golden Gate Bridge north of San Francisco, includes 100 percent of Marin County and 80 percent of Sonoma County, where we are blessed with many environmental treasures. In fact, it is one of the most beautiful places on Earth, and it is just across the bridge from one of the largest cities in our country.

In this area we have a stand of old-growth redwoods known as Muir Woods, and we consider this our crown jewel. Muir Woods is nearly 300 acres of what I refer to as ''Heaven on Earth'' where its natural beauty has been preserved and protected for everyone to enjoy so that we can enjoy the trees, which are mostly redwoods that stand over 250 feet tall and are, as the chairman just told you, as old as 1,100 years. That is why I am so pleased that Congress is considering H. Res. 868 today, to celebrate the 100th anniversary of President Teddy Roosevelt's declaration of Muir Woods as a national monument.

It is fitting that we honor the centennial of Muir Woods on the floor of the House of Representatives, because it was the actions of Congressman William Kent who represented Marin County at that time who made the national monument possible. William Kent privately owned the land where Muir Woods now stands, and he and his family donated it to the Federal Government to ensure its protection. I am proud to say that 100 years later Congressman Kent's vision is still going strong.

The leadership in conservation that William Kent showed 100 years ago is a valuable lesson for us today. Imagine all the national wonder that could have been saved in the last 100 years, wonders like Muir Woods, that we could be enjoying today had more people been as selfless as he. We in Congress have the power to ensure that 100 years from now people can look back and applaud new conservation efforts.

Mr. Speaker, Muir Woods is a unique sanctuary for the protection of one of Earth's greatest wonders, the coastal redwoods; and its preservation is to be commended. I want to thank Chairman RAHALL, Chairman GRIJALVA, Ranking Member YOUNG, and Mr. BISHOP for bringing my resolution here to the floor today, because working together, Mr. Speaker, working together today, we will ensure that 100 years from now our grandchildren, our great grandchildren and their children will enjoy the Muir Woods bicentennial.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in strong support of H.R. 868, honoring the 100 year anniversary of the Muir Woods National Monument.

Throughout his life, John Muir was concerned with protecting nature to enhance the spiritual side of civilization and progress. His words and deeds led to the establishment of the U.S. National Park System. In addition, John Muir was the founding president of the Sierra Club, which remains one of the leading American grassroots organization for protecting wilderness and the human environment.

On January 9, 1908, President Theodore Roosevelt declared the Muir Woods America's 10th National Monument. When he heard of President Roosevelt's act Muir wrote, "This is the best tree-lover's monument that could possibly be found in all the forests of the world."

Today, Muir Woods attracts about 1 million people every year, and inspires them with redwoods over 260 feet high and more than 1,200 years old. Part of the Golden Gate National Parks, Muir Woods is a living and enduring symbol of John Muir's conservation ethic that nature must be preserved if humanity is to continue to thrive on this planet.

I urge my colleagues to support this resolution, and honor the legacy of a great American, his vision of environmental conservation, and the truly remarkable Muir Woods National Monument.

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

Mr. GRIJALVA. Mr. Speaker, I yield back the remainder of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 868.

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

A motion to reconsider was laid on the table.

NATIONAL QUILT MUSEUM OF THE UNITED STATES

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 209

Whereas the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

Whereas the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

Whereas quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

Whereas the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

Whereas individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

Whereas the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

Whereas many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

Whereas quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

Whereas the Museum of the American Quilter's Society has national significance and support: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

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

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

House Concurrent Resolution 209 would express the sense of Congress that the Museum of the American Quilter's Society in Paducah, Kentucky, should be designated the ''National Quilt Museum of the United States.'' The concurrent resolution was introduced by our colleague, Representative ED WHITFIELD of Kentucky.

Since its establishment in 1991, the Museum of the American Quilting Society has collected and displayed quilts made by quilters from 44 of the 50 States. Today, with a permanent collection of more than 180 quilts and three galleries totaling 13,400 square feet of exhibit space, the facility is the largest museum in the world dedicated to the artistry of quilting and illustrates the significance of quilts and quilting to this Nation.

A friends' group comprised of members from all 50 States has provided the museum with a broad national fundraising support and advocates since its inception 17 years ago.

Mr. Speaker, House Concurrent Resolution 209 would grant recognition of the House to this museum and the art form it seeks to preserve. A museum of this size, scope, and significance appears worthy of designation as the National Quilt Museum of the United States. We have no objection to House Concurrent Resolution 209 and urge its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of House Concurrent Resolution 209 and yield myself such time as I may consume.

The resolution has been adequately explained again by the gentleman from Arizona. I would like to commend Congressman WHITFIELD for his work on this resolution that designates the Museum of the American Quilter's Society in Paducah, Kentucky, as the National Quilt Museum of the United States. It's a designation that brings us all a great deal of warmth and comfort and helps tie together the loose ends of our society. I am grateful this resolution has been brought to the floor so that we can finally put this to bed.

The bill's author, Mr. WHITFIELD, wanted to be here today, but his flight has been unavoidably detained because of weather conditions.

I urge the adoption of this resolution and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Arizona. I thank the sponsor of this bill. I add my appreciation and recognition of H. Con. Res. 209, expressing the sense of Congress that the Museum of America's Quilter's Society located in Kentucky should be designated as the National Quilter's Museum of the United States.

Having had the opportunity to have the Traveling Quilters from Alabama come to Houston, I know that quilting is a national treasure, and it is an important part of our history. It is important for this Congress each step of the way to remind Americans of how valuable their history is.

We happen to be in Black History Month; and I know that as we look to honor everyone's history, it is to say that Americans are united, we are one. So I am very proud to acknowledge this resolution and to support it.

Mr. Speaker, I just got off the plane from Texas and I do want to make mention of H. Res. 954. As a member of the House Judiciary Committee, the Subcommittee on Immigration, and as a member of the Homeland Security Committee, I rise to honor the life of fallen Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty at Yuma, Arizona, on January 19, 2008. Many times, Americans do not really understand that our Border Patrol agents put themselves in the line of fire, and they are, in fact, first responders on behalf of the people of the United States.

I want to give honor to his family, certainly to his fellow Border Patrol agents, and to acknowledge my deepest sympathy to them and as well to them as a family. As a member of the Homeland Security Committee, I am forever reminded of their service and have been an advocate for providing them with more resources. We do need to get a complete response to immigration, both through border security and comprehensive immigration reform.

In conclusion, let me say that I want to express again my sadness in the loss of senior Border Patrol agent Luis A. Aguilar and again express my sympathy on behalf of all Americans. We are indebted to his service and, of course, we consider him a national hero.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the kind words from the gentlewoman from Texas in support of this particular resolution.

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I would like to thank my colleagues and the Resources Committee for allowing this resolution to be considered today. I urge my colleagues to join me in supporting it.

The Museum of the American Quilter's Society in Paducah, Kentucky, is a non-profit institution established to educate, promote, and honor today's quiltmakers. The museum started over 16 years ago and is the largest quilt museum in the United States and, in fact, the world. The museum has the largest quilt exhibit space of any quilt museum, with three exhibit galleries, allowing for over 13,400 square feet, and over 150 quilts on exhibit year round. Quilts in the museum's permanent collection are made by quilters from throughout the nation, from Maine to Florida and Pennsylvania to California, having been made by quilters from 44 of the 50 States and a number of foreign countries.

Exhibit themes include educational activities called the "School Block Challenge," which are blocks of quilts made by school children from kindergarten through high school to collectively make one large quilt. Additionally, antique quilts exhibited in the museum are representative of the Nation and its cultures, featuring a wide diversity of themes and topics.

Mr. Speaker, this museum is certainly a national landmark and one that promotes education and diversity, while also displaying our Nation's heritage and traditions. In order that our children and grandchildren are able to treasure these educational and significant features of our Nation we must strengthen and embrace initiatives, such as the National Quilt Museum of the United States. Therefore, I urge my colleagues to support this concurrent resolution expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, be designated as the "National Quilt Museum of the United States."

Mr. BISHOP of Utah. I have no other speakers. I urge adoption of the resolution and yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209.

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

A motion to reconsider was laid on the table.

SANTA MARGARITA RIVER, CALIFORNIA, CONSTRUCTION AUTHORIZATION

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 29

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

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term "District" means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term "Project" means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under section 2.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, unless otherwise stated.

SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain the Project substantially in accordance with the final feasibility report and this Act.

(b) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(1) The District and the Navy have entered into contracts under sections 9(c)2 and 9(e) of the Reclamation Project Act of 1939 to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This agreement and waiver and the changes in points of diversion and storage under paragraph (2), shall become effective and binding only when the Project has been completed and put into operation and may be varied by agreement between the District and the Secretary of the Navy.

(4) The Secretary has determined that the Project has economic, environmental, and engineering feasibility.

SEC. 3. COSTS.

Upon completion of the construction of the Project, the Department of the Navy shall be

responsible to repay to the Secretary only that portion of the construction, operation and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project. Provided that the Secretary is hereby authorized to enter into a contract with the Secretary of the Navy for the impounding, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial and other beneficial purposes using Project facilities.

SEC. 4. OPERATION; YIELD ALLOTMENT; DELIVERY.

(a) OPERATION.—The operation of the Project, subject to a memorandum of agreement between the Secretary, the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the project, may be by the Secretary, the District, or a third party consistent with section 6.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(1) 60 percent of the Project's yield is allotted to the Secretary of the Navy.

(2) 40 percent of the Project's yield is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(1) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed upon to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the Project's yield allotted to the Secretary of the Navy under subsection (b), the official may enter into temporary contracts for the sale and delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water to be made available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) CONDITION OF CONTRACTS.—Each contract entered into under paragraph (1) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand that water, without charge and without obligation on the part of the United States, after 30 days notice.

(4) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(d) CONSIDERATION.—

(1) DEPOSIT OF FUNDS.—Moneys paid to the United States under a contract entered into under subsection (c) shall be deposited in the special account established for the Department of the Navy under paragraph (1) of section 2667(d) of title 10, United States Code, and shall be available for the purposes specified in subparagraph (C) of such paragraph. Subparagraph (D) of such paragraph shall not apply to moneys deposited in the special account pursuant to this subsection.

(2) IN-KIND CONSIDERATION.—In lieu of monetary consideration under paragraph (1), or in addition to such consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy.

(B) Construction of new facilities for the Department of the Navy.

(C) Provision of facilities for use by the Department of the Navy.

(D) Facilities operation support for the Department of the Navy.

(E) Provision of such other services as the Secretary of the Navy considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(4) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under subsection (c) has a value in excess of $500,000, the contract may not be entered into until the earlier of the following:

(A) The end of the 30-day period beginning on the date on which a report describing the contract and the form and quantity of the in-kind consideration is submitted by the Secretary of the Navy to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(B) The end of the 14-day period beginning on the date on which a copy of the report referred to in subparagraph (A) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 5. REPAYMENT OBLIGATION OF THE DISTRICT.

(a) IN GENERAL.—The general repayment obligation of the District shall be determined by the Secretary of the Interior consistent with sections 9(c)2 and 9(e) of the Reclamation Project Act of 1939 to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project; provided, however, that for the purposes of calculating interest and determining the time when the District's repayment obligation to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project. There shall be no repayment obligation under this section for water delivered to the District under a contract as provided in section 4(c).

(b) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

SEC. 6. TRANSFER OF CARE, OPERATION, AND MAINTENANCE.

The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions satisfactory to the Secretary and the District, and with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy. If such a transfer takes place, the District shall be entitled to an equitable credit for the costs associated with the Secretary's proportionate share of the operation and maintenance of the Project. The amount of such costs shall be applied against the indebtedness of the District to the United States.

SEC. 7. SCOPE OF ACT.

For the purpose of this Act, the basis, measure, and limit of all rights of the United States pertaining to the use of water shall be the laws of the State of California. Provided that nothing in this Act shall be construed—

(1) as a grant or a relinquishment by the United States of any rights to the use of water that it acquired according to the laws of the State of California, either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(2) to create any legal obligation to store any water in the Project, to the use of which the United States has such rights;

(3) to require the division under this Act of water to which the United States has such rights; or

(4) to constitute a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

SEC. 8. LIMITATIONS ON OPERATION AND ADMINISTRATION.

Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way which will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following—

(1) $60,000,000 (the current estimated construction cost of the Project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction); and

(2) such sums as may be required to operate and maintain the said project.

SEC. 10. REPORTS TO CONGRESS.

Not later than 1 year after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each report to the Congress regarding if the conditions specified in section 2(b) have been met and if so, the details of how they were met.

SEC. 11. SUNSET.

The authority of the Secretary to complete construction of the Project shall terminate 10 years after the date of enactment of this Act.

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

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 29 was introduced by our colleague, Representative DARRELL ISSA, and would 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 in California and for other purposes. Similar legislation introduced by Congressman ISSA passed the House in the two previous Congresses.

Mr. Speaker, we have no objection to this noncontroversial bill, and I ask my colleagues to support H.R. 29.

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

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

H.R. 29 was introduced by our colleague, DARRELL ISSA, and authorizes the construction of the groundwater recharge and pumping project in the lower Santa Margarita River basin in Southern California.

If constructed, the project would provide much-needed water to the local water utility district as well as to Camp Pendleton, the Marine Corps base, for its military training needs. This project would augment the local water district supply, would relieve future additional demands for constantly limited imported water supplies, and would set aside and preserve valuable environmental habitat.

This project is an excellent example of local and Federal agencies working together to secure safe, dependable water supplies for future generations. This bill is good for water consumers, and it is good for our soldiers. I urge my colleagues to support this important bill, which has been considered by the House twice already. Perhaps the third time will be the charm.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I submit for the RECORD an exchange of letters on this particular piece of legislation.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR NICK: On October 10, 2007, the Committee on Natural Resources ordered H.R. 29 to be reported. As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services, and thus, was sequentially referred to the Committee on Armed Services by the Parliamentarian for the House.

Our Committee recognizes the importance of H.R. 29 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 29. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 29 and the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, January 22, 2008.

Hon. IKE SKELTON,
Chairman Committee on Armed Services, Rayburn H.O.B., Washington, DC.

DEAR IKE: Thank you for your willingness to expedite floor consideration of H.R. 29, which authorizes the construction of facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River in California.

I appreciate your willingness to waive rights to further consideration of H.R. 29, even though your Committee has a jurisdictional interest in the matter and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

Although the Committee's report on H.R. 29 has already been filed, this exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman,
Committee on Natural Resources.

I reserve the balance of my time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 29.

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

A motion to reconsider was laid on the table.

AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5270) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5270

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 ''Airport and Airway Extension Act of 2008''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''February 29, 2008'' and inserting ''June 30, 2008''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''February 29, 2008'' and inserting ''June 30, 2008''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''February 29, 2008'' and inserting ''June 30, 2008''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2008.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''March 1, 2008'' and inserting ''July 1, 2008'', and

(2) by inserting ''or the Airport and Airway Extension Act of 2008'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of such Code is amended by striking ''March 1, 2008'' and inserting ''July 1, 2008''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2008.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM AND OTHER AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by inserting after paragraph (4) the following:

''(5) $2,756,250,000 for the 9-month period beginning October 1, 2007.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2008, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 9-month period beginning October 1, 2007, the Administrator of the Federal Aviation Administration shall—

(A) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2008 were $3,675,000,000; and

(B) then reduce by 25 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''September 30, 2007,'' and inserting ''June 30, 2008,''.

(c) GOVERNMENT SHARE OF CERTAIN AIP COSTS.—Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''in each of fiscal years 2004 through 2007'' and inserting ''in fiscal year 2008 before July 1, 2008,''.

(d) ADJUSTMENT AUTHORITY.—

(1) IN GENERAL.—Section 409(d) of such Act (49 U.S.C. 40101 note) is amended by striking ''2007.'' and inserting ''2008.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under section

409(c) of such Act that was in effect on such date.

(e) AIRPORT ELIGIBILITY.—The first sentence of section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2008 ending before July 1, 2008,'' after ''2007,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5270.

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

There was no objection.

□ 1515

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

Mr. Speaker, H.R. 5270 extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on March 1, 2008. H.R. 5270 extends these taxes at current rates through June 30 of 2008.

On January 29, 2008, the acting administrator of the FAA sent a letter to the Committee on Ways and Means indicating the ability of the FAA to provide services in 2008 will be impeded if this extension is not enacted. I will include this letter from the FAA for the RECORD.

The Committee on Ways and Means reported out a previous extension bill with bipartisan support. This bill will keep the Airport and Airway Trust Fund taxes and operations in place until the long-term FAA reauthorization act is signed into law. I urge the full support of my colleagues for this measure.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION,
Washington, DC, January 29, 2008.

Hon. CHARLES B. RANGEL,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RANGEL: Thank you for your continued support to the mission of the Federal Aviation Administration (FAA). As you know, we have a pending reauthorization proposal to establish a cost-based financing system, help address congestion, and make the system more accountable to aviation stakeholders. In the absence of an enacted reauthorization bill, I am writing to you to bring to your attention some serious issues that will impede our ability to provide our services to the country during 2008 if not addressed immediately.

AIRPORT AND AIRWAY TRUST FUND

The Consolidated Appropriations Act, 2008 (P.L. 110–161) extended the authority to make expenditures from the Airport and Airway Trust Fund only until March 1, 2008. Without an extension of the Trust Fund expenditure authorities, FAA will be unable to obligate funds after March 1 from the Trust Fund. Most notably, our airports, facilities and equipment and research personnel would be immediately sent home, and our remaining personnel funded by the Operations account would follow after funding provided by the General Fund has been fully obligated—most likely in early June. For this reason, we plan to notify employees impacted by the March 1st deadline within the next two weeks.

AVIATION EXCISE TAXES

The Consolidated Appropriations Act only provided a temporary extension of authority for the collection of most of the aviation related excise taxes until February 29, 2008. The authority to collect such taxes should not be allowed to lapse. The uncommitted balance in the Trust Fund is insufficient to sustain FAA operations beyond a few months and a lapse in the authority to collect excise taxes could quickly begin to impact FAA's operations.

AIRPORT IMPROVEMENT PROGRAM GRANTS

Contract authority for the FAA's AIP program expired on September 30, 2007, however Congress, in a series of continuing resolutions, provided temporary and limited AIP contract authority through December 31, 2007. Without contract authority, we are not able to make any new AIP grants. For the airport grant program, we typically view February 1st as a date when airport sponsors need to have some confidence that grant funds will be forthcoming so they can go out with their bids for construction projects to take full advantage of the construction season. Unfortunately, with the gap in AIP contract authority for fiscal year 2008, we are near the point of losing a portion of this construction season and airport sponsors will have to defer critical safety and capacity projects.

We are confident that Congress will address these short-term issues, but time is of the essence in moving toward a resolution of these matters. We are ready to work with you and other members to enact a reauthorization proposal that is consistent with the goals of the Administration.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of this letter to Congress.

Sincerely,

ROBERT A. STURGELL,
Acting Administrator.

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

Mr. Speaker, today I also rise in support of this legislation. Congress must not stand by while the financing of our Nation's airways are to lapse. The cost to our Nation's economy of doing so would be devastating.

As you know, authorizing legislation permitting the collection of aviation taxes and fees sadly expired at the end of the last fiscal year. Congress since then has extended that authorization through the end of this month in the consolidated appropriations act. It is unfortunate, in my view, that Congress was not able to reach an agreement with the other body on a longer term solution before resorting to temporary extensions.

I feel that the Ways and Means Committee and the Transportation and Infrastructure Committee worked well together to put together a workable bill that would continue financing our system with modest changes for a period of 4 years. Four years would have given us enough time to allow this body to devote the necessary time to make a close examination of the financing of the system and consider the long-term changes that technology and the demands of that system are imposing on us, something that I believe the Committee on Ways and Means and the Select Revenue Subcommittee did not have time to accomplish, despite multiple hearings on this issue.

While today's bill will only extend current law authority through the end of June, this is a necessary step in the process. It certainly does not speak well of this Congress that we are not able to do these things promptly with discipline and do so in a timely fashion, but I believe that our committee, Ways and Means, together with the Transportation and Infrastructure Committee, have provided value added, and I would like to believe that given some additional time, that we would have had an opportunity to put forward a permanent solution.

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

Mr. CROWLEY. Mr. Speaker, I want to point out that it is my understanding the delay has been in the Senate, not in the House of Representatives, not between the two committees, and not because of disagreement from either side of the aisle here, but in the other body. It is also my understanding the gentleman is going to be supporting the bill in the end. If I am wrong, please indicate for the RECORD.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to congratulate the Ways and Means Committee for the good work they have done with the Transportation and Infrastructure Committee on coming forward today and providing us with an opportunity to do the smart thing, and that is to provide this extension for this trust fund.

Yesterday, in my capacity on the Transportation Security Committee, I hosted the Transportation Security Administrator in my district at one of my large airports. Obviously, the infrastructure of airports, the safety of airports, travels parallel to the security of airports. This is a vital fund for cities like Houston, Texas, which happens to have one of the top 10 airports in the Nation.

Airports are sites used by millions and millions of Americans every single day, and therefore it is important that the delay of the actual completion of a final bill not be used to prevent the flow of dollars to protect our airports and provide safe and secure passage for our travelers.

I understand, as my good friend from New York has indicated, that the delay is in the Senate. This is the right direction to go. I applaud the Ways and Means Committee and Chairman CHARLIE RANGEL, and I rise enthusiastically to support this legislation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield such time as he may consume to a senior member of the Transportation and Infrastructure Committee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank my colleague, Mr. ENGLISH from Pennsylvania, for yielding, and I appreciate the hard work that he and members of his committee have done in this area.

I had the privilege of appearing before his subcommittee as we were considering the financing of this legislation. In fact, in September of last year, the House considered and passed a bill that resulted from that hearing, the FAA Reauthorization Act of 2007, which was H.R. 2881. It reauthorized the FAA for the next 4 years. On several occasions after that, the House passed bills to extend the FAA programs.

Unfortunately, the other body has taken no action on any of these measures; therefore, the authority of the FAA's essential programs and taxes were extended through the end of this month as part of the omnibus appropriations act. Regrettably, those FAA programs and authorities not extended in the omnibus expired on September 30.

Additionally, although the omnibus appropriation bill provided money, it did not extend the FAA's contract authority, and therefore as of December 31, the FAA no longer has the authority to make new obligations, including sorely needed Airport Improvement Program grants to allow airports to complete vital infrastructure improvement projects. The omnibus also included a provision that would prevent the FAA from spending any money of the Airport and Airway Trust Fund after March 1 of this year.

Without some congressional action to extend the FAA's authority on March 1st, the FAA will be facing a partial shutdown. It is unlikely that Congress will be able to send a long-term FAA reauthorization bill to the President for consideration before the February 29 deadline.

We have before us H.R. 5270. This bill would extend the funding and expenditure authority of the FAA through June 30 of this year, 2008. The bill also extends the taxes funding the Airport and Airway Trust Funds through June 30, provides Airport Improvement Program funding through September 30, and extends eligibility for essential air service subsidies and airport grant funding.

Ideally, we should be considering the FAA reauthorization conference report at this time. Unfortunately, that is not the case. Instead, we are considering the third short-term extension of the FAA's authority by the House. However, this bill will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

There is much work yet to be done on the FAA reauthorization bill. We need to work in a bipartisan and bicameral fashion to pass legislation that the President can sign.

I support this extension in order to allow us time to accomplish this important goal.

Mr. CROWLEY. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), the Chair of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding and for bringing this bill to the floor and for the support of the Republican side. Mr. ENGLISH, it is good to have you participating, and our colleague on the committee, Mr. PETRI, thank you for your diligent work on behalf of aviation issues.

The House has done its job on aviation. We passed, on September 20, the reauthorization act to extend aviation programs through 2011. Shortly thereafter, we passed another bill to provide a short-term extension of FAA programs. Then in November, we passed another attempt to extend aviation programs in the short term.

Regrettably, our colleagues across the way in the other body have not acted on any of these. If we don't act, frankly, the FAA just simply runs out of money. It will run out of authority to spend money. It will run out of authority to collect the revenues. So the House again, thank goodness the Ways and Means Committee is doing its job of carrying the load, has brought to the floor with our participation and vigorous support an extension of the revenue authority for the FAA programs.

First of all, we extend with this legislation the aviation taxes. Now, that covers 80 percent of FAA's budget. And with an uncommitted cash balance of only $1.5 billion, any lapse in the aviation taxes could put solvency of the trust fund at serious risk.

Don't think it can't happen, because that did happen in 1995 when Congress allowed the aviation taxes to lapse and the Aviation Trust Fund ran out of money. Curiously, ticket prices didn't go down. The airlines just kept charging the same price. They didn't give the consumer during that period of lapse a break. They just kept on collecting taxes, revenues, at the higher level, without giving any kind of a rebate on taxes. We don't want to let that happen again.

The second thing that we do in this legislation is extend authority for the FAA to make expenditures from the Aviation Trust Fund. Without that, on March 1, FAA will face a partial shutdown. They will not be able to pay some 4,000 employees, and a good many of those will be air traffic controllers.

The third provision critical in this legislation is the $2.76 billion in contract authority for the Aviation Improvement Program, that is the construction program for runways and taxiways, the hard side, the air side of the airport. Because the previous authorization expired on September 30, there is no contract authority in place now for the AIP program in fiscal year 2008. No new airport grants can be made.

So without this legislation, not only is FAA going to have to lay off 4,000 employees, they are not going to be able to make grants to airport authorities, we will lose tens of thousands of construction jobs in building airport capacity, and we will lose the ability to meet the needs of aviation capacity out into the balance of this fiscal year.

So the several provisions I have already described, plus many other provisions of the previous law, Vision 100, are continued in this legislation. We extend that authority through to June 30 in order to keep the pressure on the other body to take up our aviation authorization bill, which passed our committee with overwhelming bipartisan support, passed the House with an overwhelming vote, and yet the other body sits over there in splendid isolation as though nothing else in the world matters. And I find that very, very disturbing.

We need to pass this legislation that the House has already acted on and let the Senate pass it and get in to conference with us. We will get this resolved, we can get it passed and get it to the President in very short order. But, meanwhile, we have to take the action embodied in the pending legislation, and I urge its support by an overwhelming bipartisan vote.

This legislation would extend the authorization for aviation programs and taxes through June 30, 2008. Such an extension is urgently needed to address significant budget problems facing the Federal Aviation Administration, FAA, due to the current lapse in Airport Improvement Program, AIP, funding, and the upcoming expiration of both the aviation excise taxes and the authority to make expenditures from the Aviation Trust Fund.

These current and upcoming lapses in FAA's authorities have occurred despite repeated efforts by the House to pass legislation to extend them. The House has acted on three separate occasions to extend the authorization for FAA programs. On September 20, 2007, the House passed H.R. 2881, the "FAA Reauthorization Act of 2007," to reauthorize FAA programs for fiscal years 2008–2011. On September 24, 2007, the House passed H.R. 3540, the "Federal Aviation Administration Extension Act of 2007" to provide a short-term extension of FAA programs. On November 6, 2007, the House amended and passed S. 2265, in a subsequent attempt to provide a short-term extension of FAA programs. The Senate has yet to act on any of these bills, or on any other FAA reauthorization legislation.

As I supported each of these prior attempts to extend FAA's programs and financing, I again support the legislation before us today.

I strongly support the extension of the aviation excise taxes, as proposed in H.R. 5270. These taxes are necessary to support the Aviation Trust Fund, which in recent years has provided about 80 percent of the FAA's budget. With an uncommitted cash balance of approximately $1.5 billion, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, a second key provision of H.R. 5270 is the extension of the FAA's authority to make expenditures from the Trust Fund. Without this authority, the FAA will face a partial shut-down beginning March 1st, as it will be unable to pay approximately 4,000 of its employees.

The third key provision of H.R. 5270 is that it provides $2.76 billion in contract authority for the AIP. Because the previous FAA authorization act, Vision 100, expired on September 30, 2007, there is currently no contract authority in place for the AIP in FY 2008, and no new airport grants can be made. It is our intent that the full $2.76 billion provided by H.R. 5270 be made available, without regard to any previously enacted rescission.

It is imperative that we reinstate the AIP program immediately. Unless we do so, we will lose the Spring construction season, and will not be able to do much construction this year, even if the program is reauthorized at a later date.

According to the FAA, a continued lapse in AIP funding will affect important safety and capacity projects, including runway safety area projects, letter of intent disbursements, runway safety action team projects, enhanced taxiway and centerline marking projects, and aircraft rescue, firefighting and snow removal equipment. We must act now to extend this important program.

H.R. 5270 also extends several other provisions of Vision 100 so that, until a long-term FAA reauthorization bill is enacted, aviation programs may be continued under the same terms and conditions as were in effect during the previous authorization period.

But this is only the first step. We need to enact a long-term FAA reauthorization bill, which will permit us to go forward on modernization of the air traffic control system, and improvement of our airports, to combat the ever-increasing inadequacies of the current system. Last year, our aviation system had the worst delay record in its history. With the number of air travelers predicted to surpass 1 billion per year by the year 2015, the system is rapidly approaching gridlock. I strongly urge the other body to bring their reauthorization bill to the floor, so we can go to conference and pass a long-term reauthorization of aviation programs.

I thank Chairman RANGEL and Ranking Member MCCRERY of the Committee on Ways and Means for working with the Committee on Transportation and Infrastructure to include the aviation authorization provisions in H.R. 5270. I also thank my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I urge my colleagues to support H.R. 5270.

□ 1530

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

I think we have made the case here, Mr. Speaker, that it is important that this legislation go forward to cure an inability of Congress to bring closure on this very, very important issue. This is stop-gap legislation that is necessary to allow America's aviation system to remain airborne, and at a critical time. It is essential that we pass this bill in order to ensure that thousands of FAA employees are not furloughed through congressional inaction. It is also vitally important for communities engaged in an airport construction project, communities like my hometown of Erie, Pennsylvania, that the bill before us reinstates the contract authority for the FAA to issue money under the Airport Improvement Program.

I believe that this is an opportunity for us to get this right in the coming months. It is essential that the House Ways and Means Committee, the House Transportation and Infrastructure Committee, and the bipartisan leadership of this body engage the Senate in order to pass a permanent solution that provides long-term funding for the FAA in a manner that is consistent with the fundamental changes in that system in order to provide the necessary investment in this essential piece of our national transportation infrastructure. I urge my colleagues to vote for the bill.

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

Mr. CROWLEY. I thank my colleague from Pennsylvania for his words of support for this legislation.

Mr. Speaker, let me just point out as well, piggybacking on what he just said about the airport improvement programs grants, that time is of the essence. A failure to move now will further condense the season in which we can actually improve the safety and the aesthetics of our airports. So I thank him for his support, for recognizing the problems not here in this body but with the other body. I thank my friend, as well, Mr. OBERSTAR for pointing that out to us.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 5270, the Airport and Airway Extension Act. I want to thank Chairman RANGEL for bringing this to the floor today, as well as Chairman OBERSTAR and Ranking Members MICA and PETRI.

On September 20, 2007, the House passed H.R. 2881, the FAA Reauthorization Act of 2007, a long-term authorization of the Federal Aviation Administration's (FAA) programs. However, until H.R. 2881 is signed into law, it is important that we extend FAA's programs on a short-term basis.

If Congress does not act before February 29, 2008, the FAA is potentially facing significant FY 2008 budget problems due to the lapse in funding for the Airport Improvement Program (AIP), and the upcoming expiration of both the aviation excise taxes and the authority to make expenditures from the Aviation Trust Fund.

To address these problems, H.R. 5270 would extend not only the aviation taxes and expenditure authority, but also AIP contract authority, until June 30, 2008.

This is not the first time we have passed short-term extensions to ensure FAA has the contract authority it needs to make AIP grants. In 1999 and 2000, as Congress was debating what eventually became the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or AIR 21, we passed 4 extensions of FAA's contract authority. Moreover, the House acted on three separate occasions last year in an attempt to extend FAA's authorities, including passage of H.R. 2881, the 4-year FAA reauthorization legislation. The Senate has yet to act on any of these measures.

We must ensure that this extension passes without further delay to not only improve safety and combat delays and congestion but to also stimulate the economy.

H.R. 5270 creates $2.76 billion in AIP contract authority to fund the program until June 30, 2008. When annualized, this $2.76 billion equates to $3.675 billion for the full fiscal year 2008. H.R. 5270 will allow the FAA to make AIP grants, so that airports can take advantage of the full 2008 construction season. This, in turn, will put people to work and improve the safety and efficiency of our aviation system.

Aviation is too important to our nation's economy—contributing to $1.2 trillion in output and approximately 11.4 million U.S. jobs—to allow the taxes or funding for critical aviation programs to expire. Until H.R. 2881 is signed into law, we must ensure that FAA has the funds it needs to continue its vital programs.

H.R. 5270 provides a short, 4-month extension to ensure FAA's programs remain fully funded, and I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill, H.R. 5270.

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

A motion to reconsider was laid on the table.

COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS THAT FOUGHT FOR AMERICAN INDEPENDENCE IN THE ''SIEGE OF SAVANNAH''

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 909) 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, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 909

Whereas in the fall of 1779, Haitian soldiers of the Chasseurs-Volontaires de Saint Domingue volunteered to join in the fight for American independence;

Whereas the unit was comprised of over 500 men of color from the island of Haiti;

Whereas on October 9, 1779, the soldiers of Chasseurs-Volontaires de Saint Domingue served as the largest unit of soldiers of African descent to fight in the ''Siege of Savannah'';

Whereas records show that over 500 men sailed treacherous waters to join the effort against the British;

Whereas over 300 of them lost their lives attempting to drive the British from Savannah;

Whereas the Savannah Monument, a project of the Haitian American Historical Society represents the Haitian soldiers that fought in the ''Siege of Savannah'';

Whereas the Savannah Monument was erected in Savannah, Georgia on Monday, October 8, 2007, to recognize the Haitian involvement in the fight for American independence; and

Whereas the Savannah Monument includes a statue of a 12-year-old drummer boy, depicting Mr. Henri Christophe, who became a leader in Haiti's Revolution to gain independence and renounce slavery: Now, therefore, be it

Resolved, That the House of Representatives commemorates 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

First, I would like to thank the chief sponsor, my good friend and colleague, the gentleman from Florida (Mr. MEEK), for his introduction of this resolution, which commemorates the courage of the Haitian soldiers who fought alongside our Revolutionary soldiers for gaining independence from Great Britain.

House Resolution 909 also recognizes the establishment of the Haitian Memorial Monument, which celebrates the historical bond between the good people of Haiti and the United States, and demonstrates the significance of our Haitian American community.

Mr. Speaker, the Haitian Memorial Monument, designed by the Haitian-Canadian sculptor Gregroire Anocles, represents the war effort at the Siege of Savannah in the year 1779.

Haiti's involvement in the fight for America's independence some 226 years ago is a source of national pride for many Haitians, and it is long overdue that we attach the proper importance to this Haitian participation.

After returning home, Haitian veterans of the Revolutionary War led their own rebellion and revolution against French colonialism, and eventually received independence from France in the year 1804. Mr. Speaker, in becoming independent, Haiti became the first free country in the Western Hemisphere led entirely by people of African descent.

I strongly support this resolution, and I encourage my colleagues to vote in favor of this proposed bill.

I reserve the balance of my time.

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

I rise in support of House Resolution 909, and I join my colleagues in recognizes the valuable contribution and significant sacrifice that Haitians made as they joined the fight for American independence over two centuries ago.

In the fall of 1779, over 500 courageous men volunteered to cross the treacherous waters from Haiti to the U.S., to join our soldiers in the Siege of Savannah. This was no easy feat; yet these men were committed to fighting for America's liberty and independence.

Representing the largest contingent of soldiers of African descent to fight in the American Revolution, these Haitian troops bravely joined in our efforts, forging the friendship between the U.S. and Haiti that has only strengthened in the centuries that followed.

Sadly, such courage had a high price. More than 300 Haitians lost their lives in this battle. Last year, a monument to this glorious sacrifice was erected in Savannah, Georgia. The collaborative efforts of local officials in Georgia and the Haitian American Historical Society of Miami guided this project to completion.

Today, the Savannah monument stands as a tribute to those individual foreign volunteers who joined in the American Revolution and commemorates the historic bond between the U.S. and Haiti.

H. Res. 909 further commemorates Haiti's own struggle for independence and renunciation of slavery. What began as a slave revolt in 1791 ended with Haiti's own independence in 1804. And Haiti was the first nation in the Western Hemisphere to form a government led by the people of African descent and, remarkably, it was also the first nation in the Western Hemisphere to renounce slavery.

For this reason, I am proud to stand with my congressional colleagues in calling for the passage of this important resolution. Yet we must also recognize that there is more to be done.

Despite Haiti's early and historic commitment to democracy, the country continues to languish under the oppression of extreme poverty, disease, and violence. As a significant partner in the region, the U.S. must remain not only cognizant of Haiti's progress but also engaged in its development. We cannot be fully successful as a hemisphere without Haiti fulfilling its potential as a strong and vibrant nation.

I want to thank the gentleman from Florida (Mr. MEEK) for introducing H. Res. 909 and am proud to join in the commemoration of such courageous individuals.

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

Mr. FALEOMAVAEGA. Mr. Speaker, it is with pleasure that I yield such time as he may consume to the chief sponsor of this proposed legislation, my good friend, the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I want to thank my colleagues for the very kind words they have given about this great piece of legislation, this resolution.

I think it is very, very important, Mr. Speaker, that we come together as a country and celebrate the contributions of other countries and the roles that they played in assisting us not only with our independence but making it concrete.

Mr. Speaker, as we look at House Resolution 909, I want to give my sincere thanks to the Committee on Foreign Affairs for bringing this resolution to the floor, and especially shed light on Chairman LANTOS for his forward-leaning and making sure that this resolution made it through the process. And he will be forever missed here in this body. And hopefully his memory will continue on, not only on the committee, but here in Congress.

I think it is also important that we pause to not only thank staff but also thank Haitian Americans throughout this country that have fought very hard on behalf of this country, not only in Iraq, Afghanistan, and other theaters, but have contributed in many other areas. And that is where this bill came about.

The Haitian American Historical Society in Miami, Florida, moved forth with a monument in Savannah of the great battle, and I had an opportunity to go there recently. And there are a number of Haitians and those that care about the well-being of Haiti that wanted to make sure that the contributions of these soldiers were recognized in a way that will be able to allow not only this generation but future generations to understand Haiti's contributions.

When you start talking about 500 freed Haitian slaves traveling to Savannah, Georgia, to be a part of a multinational force to fight on behalf of this country against the Brits at that particular time, and to be in the same city where you had people who look like me that were enslaved, and traveling to Savannah is a very moving experience for every American, because so many battles have taken place there and it is such a historical and beautiful city that you can't help but pause to think about the courage.

So for us to be on the floor, Mr. Speaker and Members, to not only talk but to pass, hopefully, this resolution will be the first time in the history of the Republic that we have actually said thank you to Haiti, that we have said thank you to the families of the 300 to 500 troops that actually traveled to Savannah to fight on our behalf. I don't believe it is too late, but I think that it is very appropriate for us to be on the floor and allow the Members to show their appreciation for their contributions.

As we celebrate not only the contributions of these soldiers but we also shed light with our Members and Americans about the contributions that Haitians have made, I think, as we look at this debate and we look at what we are doing for Haiti right now, we must bring Americans up to speed on the history. The fact that these freed slaves came to Savannah and fought, and the fact that Haiti was one of the first countries to denounce slavery and to fight for their own independence, to fight Napoleon that pushed him to carry out the Louisiana Purchase with the United States of America, these Haitian fighters traveled throughout the Western Hemisphere and played a very strong role in allowing the United States to be who we are.

So when we start talking about assistance for Haiti, it is not like it is a one-way street; it is a two-way street. And I am proud to represent a constituency where we have more Haitians than anywhere else in the United States of America, but Haitians throughout the diaspora, this will be a very proud day for them; and I believe it will be a very proud day for them when we vote in the affirmative.

When we look at the contributions of Mr. Henry Christopher who fought in the American Revolutionary War, to use his experience from the first free government in the Western Hemisphere, and when we look at what the Haitian Americans Historical Society has spent a number of years to be able to not only bring the Haitian American history to the Congress but to also bring to everyday Americans, I think it is very, very important, Mr. Speaker, that Members share with their constituency the contribution of these great men, and to be able to make sure that we share the history of all communities that have come to this country to make us strong.

Once again, I want to thank the committee, and I want to also thank the staff that has worked very hard on it. I know that we have other Members that want to speak in affirming the passage of this legislation. But I am personally moved because I represent a number of individuals that, when we look at immigration policy, when we look at aid to Haiti, when we look at our interventions when coups have taken place in Haiti, as recent as the 82nd Airborne, when we look at those in the State Department that serve within the Foreign Service and the conditions that they have to work under, when we also look at the Peace Corps and other organizations like it, religious institutions, a number of NGOs, that we call nongovernmental organizations, and what they do and where they live in the rural parts of Haiti, providing not only education and food; when we look at their contributions and we look at the conditions they have to work under now as Haiti struggles with natural disasters and struggles with hard economic times, this legislation will help enshrine not only the contributions of Haitians towards the United States, but also Americans returning not only the favor but the goodwill back to the great country of Haiti.

With that, Mr. Speaker, I urge the Members to vote in the affirmative on House Resolution 909.

□ 1545

Mr. BOOZMAN. Mr. Speaker, I appreciate the gentleman from Florida's hard work and thoughtfulness in bringing this bill before the House, and I continue to reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Foreign Affairs Committee, and I join him as a fellow member of the Foreign Affairs Committee to applaud and congratulate the distinguished gentleman from Florida who has a long history of representing Haitians in Florida, and who has a long history of concern for the Haitian people both today and in the past.

As a member of the Foreign Affairs Committee and one who has traveled to Haiti and visited individuals who were incarcerated because of their beliefs in democracy, this commemoration is important because it reemphasizes the long-standing friendship between the United States and the Haitian people.

I am saddened by the journey that Haitians have had to take over the last decade from Baby Doc and the oppressive leadership that they have had in past years, and their desire of necessity to flee because of persecution to the United States; and then, of course, the double standard between the wet feet/dry feet immigration policies where many of them have been treated in a discriminatory fashion.

This accolade is long overdue. I might acknowledge the fact that this was in the early years of our beginning. It was in the dawn of October 9, 1779, that this battle was fought on the western outskirts of Savannah, what was unquestionably the second bloodiest battle of the entire 8 years of the American War for Independence. Can we imagine that. These brave soldiers left their soil, many, many miles away from our land, about 750 Haitian freemen fought alongside colonial troops against the British in the Siege of Savannah on October 9, 1779. In a single hour, there fell within the area of a few hundred square yards more dead and wounded than are credited to any other battlefield in the struggle for American independence except for Bunker Hill. The valor of these brave men deserve to be commemorated, and I am proud to be a cosponsor of this legislation.

Of course, we know that American history is intertwined with many brave persons from places far and wide. But I think this statement today also cements the importance of Haiti today as we fight against the extensive poverty that exists now today, as we try to assist them in building their democratic government, as we try to reemphasize a friendship between the United States and Haiti, and in essence apologize for some of the interventions that could be considered coups that resulted from policies utilized in this country.

I would say this is a very important statement that again reinforces the relationship and again talks about the bravery of these Haitian soldiers.

At a time when we are engaged in a global war on terror, joined by our friends and allies, it is imperative that we recognize the service and dedication provided in the past by foreign countries like Haiti.

Mr. Speaker, I close my words by congratulating Mr. MEEK again for this outstanding legislation; but more importantly, thanking the Haitian people, even though it may be somewhat late.

Mr. Speaker, I rise today in support of H. Res. 909, commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" for Haiti's independence and renunciation of slavery, introduced by my distinguished colleague Congressman KENDRICK MEEK of Florida. This is to be commended because it helps to educate Americans about the significant contributions made by Haitian ancestors.

Mr. Speaker, in the early dawn of October 9, 1779, there was fought, on the then western outskirts of Savannah, what was unquestionably the second bloodiest battle of the entire 8 years of the American War for Independence. About 750 Haitian freemen fought alongside colonial troops against the British in the "Siege of Savannah" on October 9, 1779. In a single hour there fell within an area of a few hundred square yards more dead and wounded than are credited to any other battlefield in the struggle for American independence except for Bunker Hill. The valor of those brave men deserves to be commemorated, and I am proud to cosponsor this legislation honoring their bravery and sacrifice.

The year before, the city of Savannah, Georgia, had been captured by a British expeditionary corps under Lieutenant Colonel Archibald Campbell. On October 9, 1779, there was an attempt to retake Savannah from the British. The siege itself consisted of a joint effort with America, France, and Haiti. This battle represents the Revolutionary War as an international conflict more than any other engagement of the Revolution. It was the first time the French fought alongside the colonial army. This battle reminds us that the contribution of foreign resources, men, money, and material helped lead to the eventual success of the American cause for independence. It is important to provide recognition for the efforts of Haiti and their role in helping to liberate America from British rule.

At a time in our country when we are engaged in a global war on terror, joined by our friends and allies, it is imperative that we recognize the service and dedication provided in the past by foreign countries like Haiti. Many of the foreign allied soldiers, including Haitians, who sacrificed during the process of America gaining freedom and independence, have not been recognized for their contributions to this Nation. Some were never told,

"thank you" for helping to better our society and contributing to our freedom. Too many were forgotten and unrecognized for their diligence, commitment and sacrifices.

As we continue to celebrate the month of February and Black History Month, let us be mindful of the Haitian soldiers and the numerous others of the African diaspora that renounced slavery and aided in the formation of our great Nation. I urge my colleagues to support this resolution honoring the courage of the Haitian soldiers who fought for American independence and renunciation of slavery .

Mr. BOOZMAN. Again, I appreciate the hard work of the gentleman from Florida in bringing this forward. I would urge my fellow Congressmen to vote ''yes'' on this very timely resolution, and having no further speakers, I yield back the balance of my time.

Mr. FALEOMAVAEGA. I thank my good friend from Arkansas for management of this legislation and commend the gentleman from Florida and the gentlewoman from Texas for their eloquent statements concerning this legislation.

Mr. PAYNE. Mr. Speaker, I rise in strong support of H. Res. 909 introduced by Representative KENDRICK MEEK of Florida 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.

H. Res. 909 recognizes the honorable act of the Haitian soldiers of the Chasseurs-Volontaires de Saint Domingue who volunteered to join the fight for American independence in the fall of 1779. Already in the fifth year of the American Revolution, Americans were growing weary of gaining independence when the Haitians stepped in. Today, we give them our gratitude for their bravery in sending over 500 soldiers to aid us in our fight for independence. We also remember and honor their sacrifice of over 300 men lost during the Siege of Savannah in October 1779.

I hold Haiti's achievements of being the world's first black-led republic and the first Caribbean state to achieve independence in high esteem. However, Haiti continues to struggle against poverty and instability. This is why we need to commemorate the landmark of the brave actions of the 500 Haitians who fought alongside Americans for our freedom.

It is important that we honor the progress of states in the 21st century continuing the fight against racially driven injustice. I would like to mention that H.R. 3432, which I introduced in August 2007, was signed into law by the President last week on February 5, 2008. This bill called for the establishment of the commission on the abolition of the transatlantic slave trade.

As Haiti still struggles to find her own model of peace and liberty, we extend our support by commemorating the loyalty of Haitians to the U.S. Haitians played a vital role in America's path to independence and freedom.

Mr. CONYERS. Mr. Speaker, I rise tonight in support of H. Res. 909 ''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.''

This resolution highlights the heroism displayed by 900 Haitian soldiers in Savannah during the American Revolutionary War and is a source of great inspiration and pride for all Haitians. I am not surprised by the indomitable spirit of these Haitian soldiers who so courageously defended America's fight for independence.

On October 9, 1779, the soldiers of Chasseurs-Volontaires de Saint Domingue, Haiti, served as the largest unit of soldiers of African descent to fight in the Siege of Savannah alongside American and French forces. The monument in Savannah serves as a tribute to the hundreds of Haitian volunteers who took great risk and traveled by sea to fight for American freedom during the Revolutionary War. Today, I heartily applaud the Haitian soldiers who lost their lives fighting for our country.

MR. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 909, 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. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING THE NATIONAL FOOTBALL LEAGUE CHAMPION NEW YORK GIANTS FOR WINNING SUPER BOWL XLII

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 960) congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 960

Whereas on February 3, 2008, in Glendale, Arizona, the New York Giants achieved the improbable and upset the previously undefeated New England Patriots by a score of 17 to 14 in Super Bowl XLII to win the National Football League (NFL) Championship;

Whereas during the 2007–2008 post season, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the previously undefeated New England Patriots, who were favored by 12 points to win the championship game;

Whereas quarterback Elisha Nelson ''Eli'' Manning, who had 19 completions for 255 yards and 2 touchdowns, was selected as the Most Valuable Player of Super Bowl XLII;

Whereas the New York Giants' win over the New England Patriots was the most-watched Super Bowl ever, with 97,500,000 viewers, making it the second most viewed American broadcast in television history;

Whereas the Giants achieved one of the most remarkable feats in sports history by winning an NFL record-breaking 11 straight road games, granting them the title of ''Road Warriors'', and in the process became only the second team in NFL history to win 3 playoff games and the Super Bowl away from their home field;

Whereas in each round of the playoffs, when none of the experts thought they had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas Tom Coughlin, in his fourth season as head coach of the Giants, has gone to the playoffs for 3 straight seasons, and this season lead his team, with the help of Defensive Coordinator Steve Spagnuolo, Offensive Coordinator Kevin Gilbride, and the entire Giants coaching staff, to Super Bowl XLII and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in NFL history, boasting 15 Hall of Fame players, appearing in 26 postseasons, winning more than 600 games, 16 NFL divisional championships, and 7 NFL championships, including remarkable title runs in 1987, 1991, and 2008 (Super Bowls XXI, XXV, and XLII) that captivated New York and New Jersey;

Whereas Giants owner and Chief Executive Officer John Mara and Executive Vice President Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in the Meadowlands Sports Complex, located in East Rutherford, New Jersey, since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, teamwork, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most impressive seasons in professional sports history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to join my colleagues today in the consideration of H. Res. 960, which provides for the recognition of the National Football League champion New York Giants for winning Super Bowl XLII and for completing one of the most remarkable postseason runs in professional sports history.

On Super Bowl Sunday, I was in Columbus, Georgia. And when I realized that my flight was scheduled at the very same time as the Super Bowl, I

cancelled my return and had the privilege of watching this extraordinary game at the home of my good friend, Congressman SANFORD BISHOP.

Mr. Speaker, H. Res. 960 was introduced by Representative STEVE ROTHMAN of New Jersey, and it has the support and cosponsorship of 60 Members of Congress.

Mr. Speaker, it is only fitting that we consider this resolution today as it highlights and expresses our commemoration of one of sporting history's most exciting wins which occurred on February 3, 2008, when the New York Giants battled back from behind to beat the undefeated New England Patriots by a score of 17–14 to capture the NFL's coveted Lombardi Trophy.

Super Bowl XLII and the perseverance of the New York Giants to become only the second team in football history to go from NFC wild card contender to NFL champion will undoubtedly go down in the record books.

For this accomplishment, we stand to commend the New York Giants franchise, players, coaches, and all of the supportive fans from across the world on a job well done. I urge the passage of this measure.

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

Mr. SHAYS. Mr. Speaker, this is great fun.

Mr. Speaker, I rise today in support of H. Res. 960 congratulating the New York Giants for their 17–14 victory over the New England Patriots in Super Bowl XLII.

It was a second straight Super Bowl victory for the first family of football, the Mannings. Peyton Manning led the Indianapolis Colts to the title last year, and his younger brother, Eli, threw two touchdown passes to lead the Giants to victory this year and claim the Most Valuable Player award, like his brother.

Their father, Archie, of course, was a great pro quarterback himself, spending most of his career with the New Orleans Saints.

John Wooden, the greater former UCLA basketball coach, said sports don't build character, they reveal it. So what does this victory say about the New York Giants? It says they are a resilient bunch, entering the playoffs as the number five seed in a six-team NFC field, then defeating a Dallas team who had beaten them twice in the regular season and a Green Bay team in arctic conditions to reach the big game.

There, they stymied an offense that had scored more points, gained more yards, and won more games in a season than any team in NFL history. They did it by keeping that offense off the field. New York owned the ball for nearly 20 of the first 30 minutes. They did it with new heroes such as David Tyree, who scored the go-ahead touchdown. He had never caught a touchdown pass in the NFL before. And they did it with seasoned vets such as Michael Strahan who led a defense that held the Pats to a season low of 274 yards.

So what was revealed of the character of these Giants? That they ignored the conventional wisdom which didn't give them a chance, that they found in each other the strength to do what they couldn't have done any other way, take down the ''next big thing'' in the biggest game of the year. Thanks, Giants, for showing us what is possible when we don't take ''no'' for an answer.

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

Mr. BUTTERFIELD. Mr. Speaker, at this time I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN), the sponsor of this great legislation and a good friend of all of us.

Mr. ROTHMAN. Mr. Speaker, I rise today in support of H. Res. 960, legislation to congratulate the New York Giants for winning Super Bowl XLII and completing one of the greatest upsets in professional sports history.

I introduced this resolution because I am so proud of this team that plays at Giants Stadium in the New Jersey Meadowlands in East Rutherford, New Jersey. My constituents and I are so honored that we have a Super Bowl champion back in our region.

On Sunday, February 3, in Glendale, Arizona, the New York football Giants achieved the highly improbable by beating the previously undefeated New England Patriots. The score was 17–14, and they went on to win Super Bowl XLII.

The game was the most watched Super Bowl ever with nearly 100 million viewers tuning in to make it the second-most viewed American television broadcast in history.

I offer this resolution to honor the entire Giants organization on their incredible season and on their win. Specifically, I would like to congratulate Giants owner and chief executive officer John Mara; executive vice president Steve Tisch; head coach Tom Coughlin; defensive coordinator Steve Spagnuolo; offensive coordinator Kevin Gilbride, and all of the Giants players and support staff on a job very well done.

The entire Giants franchise has been a model of professionalism, teamwork, and community service in representing the New York-New Jersey metropolitan area.

Their Super Bowl triumph shows that no matter what the odds, a group of determined underdogs can take on a dynasty and emerge victorious. This time, the team that slew Goliath were Giants themselves.

I urge my colleagues to join me in supporting House Resolution 960 and in congratulating the New York football Giants for their outstanding season and remarkable win in Super Bowl XLII.

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

□ 1600

Mr. BUTTERFIELD. Mr. Speaker, at this time I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, today I rise to congratulate the football Giants on their improbable and inspirational Super Bowl victory. House Resolution 960, I'm sure, will get tremendous support here.

On any list of the most memorable moments in sports history, the word ''underdog'' often makes an appearance. We always seem to remember the team that overcame adversity, and we always remember the team that overcame doubt to steal victory from the grasp of a supposedly superior opponent in the last second, against all odds, and against all predictions.

In some ways, we can all see ourselves as underdogs. Sometimes, no matter what you do, how hard you try, it can feel like the whole world is rooting for the other team and the other guy. There are lessons here of perseverance. Whether you are a candidate, whether you are a Congressman, whether you are a truck driver is immaterial.

Maybe this is why the Giants' upset over the heavily favored New England Patriots resonates so strongly with the American people and is sure to be remembered as one of the greatest victories in the history of the National Football League.

At the start of the playoffs, no one believed the Giants would defeat the Dallas Cowboys, their flashy division rivals who had beaten them twice during the regular season, but they did.

No one believed that the Giants would defeat the great Green Bay Packers; but on the frozen tundra of Lambeau Field, and against a living legend, they prevailed.

And no one believed the Giants could compete with New England. The Patriots were the team of destiny. Man, we've heard that on this floor about a lot of things. They had the perfect team, the perfect season to complete.

Only God is perfect, Mr. Speaker. Only God.

No one but the Big Blue faithful believed the Giants had a chance to win that night.

But history is known to repeat itself, and the history of sports is full of great upsets, victorious underdogs, from the miracle on the ice, to Buster Douglas, to Joe Namath. And now, in the same breath, we can say the 2007 football Giants.

Who will ever be able to forget the almost supernatural catch made by Wayne, New Jersey, resident David Tyree? Born in Montclair, went to schools there. Indeed, it was this graduate from New Jersey's Montclair High who caught a not-to-be-believed 32-yard pass from Eli Manning that kept the winning drive alive with only 59 seconds left.

As the final seconds ticked off the game clock, the emotions and excitement were immeasurable. But it was a bittersweet moment for me. I wished my friend and fellow Fordham alumnus, Wellington Mara, the Giants late owner, was alive to witness it.

I congratulate the owners, the coaches and players of the Giants on an incredible season and a historic championship. I wish them the best of luck defending their title next year.

Mr. SHAYS. Mr. Speaker, I don't have any speakers at this time, except I would have liked to have asked unanimous consent that former Congressman ROGER WICKER, who was a House Member who was sitting here, could speak; but given now he's a Senator, I don't think you would have found that in order. But what he said to me was how proud he is that Archie Manning, who was his classmate at Ole Miss, had these two remarkable sons in Eli and Peyton, and he thinks it reflects well, I think, on Ole Miss, and certainly on his dad.

But I'd also like to express something else. For those of us who are not the sports fans that others may be, it was a tremendously proud moment for us to see the New York Giants put their best team forward in the last game of the season against the New England Patriots when the outcome of the game didn't matter to New York, but it mattered to people like me and others who feel that the obligation of pro sports is to always play their best and always put their best team forward. And I think that remarkable game which they almost won led ultimately to the remarkable games that followed and to their ultimate victory.

This is a kick. This was a game that I'll remember the rest of my life because it had so much to do about character.

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

Mr. BUTTERFIELD. Mr. Speaker, I don't have any additional speakers at this time. It's just obvious that we have some Members on this floor today who are very proud of the New York Giants.

Thank you very much for the time. I yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 960.

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

The yeas and nays were ordered.

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

DR. CLIFFORD BELL JONES, SR. POST OFFICE

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3468) to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3468

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

SECTION 1. DR. CLIFFORD BELL JONES, SR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, shall be known and designated as the ''Dr. Clifford Bell Jones, Sr. 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 ''Dr. Clifford Bell Jones, Sr. Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I'm pleased to join my colleagues today in the consideration of H.R. 3468, which seeks to name a postal facility on the campus of Elizabeth City State University in Elizabeth City, North Carolina, after a great American, Dr. Clifford Bell Jones, Sr. Mr. Speaker, this bill has the support of the entire North Carolina delegation.

Dr. Clifford Bell Jones, Sr., was born in Washington County, North Carolina, a very rural part of my congressional district. He and his family relocated to Virginia, and Dr. Jones spent his formative years in Hampton. Later he attended Lutheran College in Greensboro, North Carolina. In 1923, Dr. Jones received a Bachelor of Science degree from the great Shaw University in Raleigh, North Carolina; and Dr. Jones earned a Doctor of Dental Surgery degree in 1927 from the historic Meharry Medical College in Nashville, Tennessee. Shortly after being awarded his dental degree, Dr. Jones began his professional life in Elizabeth City, North Carolina, where he practiced general dentistry for 66 years.

Mr. Speaker, I am particularly proud to sponsor this legislation because my father and Dr. Jones were very close friends. They were classmates at Shaw. They were classmates at Meharry, and they fought together in World War I and spent their lifetimes in service to their community.

Dr. Jones participated in many local and community activities in Elizabeth City. He was one of the first African Americans to run for the city council in Elizabeth City in 1957 and was defeated by only 28 votes. Later, in the 1960s, Dr. Jones was appointed to serve on the Elizabeth City-Pasquotank County School Board. He served as a deacon at the Cornerstone Missionary Baptist Church in Elizabeth City, and as a member of the Board of Trustees of the Museum of the Albemarle. He was a proud trustee emeritus of Elizabeth City State University.

As I said a moment ago, a veteran of World War I, he was a member of American Legion Post 223.

Dr. Jones was a member, as was my father, of Phi Beta Sigma Fraternity, and was a 32-degree Mason.

Dr. Jones was a member of numerous professional organizations that included the Eastern North Carolina Medical, Dental and Pharmaceutical Society, and the North Carolina Dental Society, among others.

Dr. Jones was the recipient of several awards and honors throughout his professional career. He received the Meharry Medical College President's Award for Service to Mankind. I accompanied Dr. Jones and my father back to Meharry for their 50th reunion in 1977. It was a great occasion.

Twice Dr. Jones was awarded the Delta Iota Chapter of Omega Psi Phi Fraternity's Certificate of Honor, and I'm sure the Speaker would take great pride in that, as the Speaker of the House today, the acting Speaker, is an Omega, for exceptional service to the citizens of northeastern North Carolina in the field of dentistry.

He was awarded a certificate of appreciation from the City Council of Elizabeth City for his invaluable services on the city's human relations committee.

Dr. Jones dedicated the better part of his 99 years serving mankind in his profession and through his community and involvement.

Sadly, Dr. Clifford Bell Jones, Sr., passed away several years ago and leaves a rich history.

Mr. Speaker, I want to thank Dr. Jones for his outstanding service to my home State of North Carolina and to our country.

I urge my colleagues to vote ''aye'' on H.R. 3468.

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

Mr. SHAYS. Mr. Speaker, I rise today to urge the passing of this bill designating the post office in Elizabeth City, North Carolina, as the Dr. Clifford Bell Jones, Sr. Post Office.

Dr. Jones led an honorable life serving his country, profession, and community with dignity for well over half a century.

A veteran of World War I, Dr. Jones returned home to earn his bachelor of science from Shaw University and ultimately his doctorate of dental surgery from Meharry Medical College Dental School in 1927. He began his professional career in Elizabeth City, North

Carolina, and found himself at home. He practiced general dentistry there for 66 years.

Outside of the office, he remained extremely active in his community. With the encouragement of other council members, including the father of Mr. BUTTERFIELD, Dr. Jones ran for city council in 1957. He was defeated by just 28 votes. Though he did not win the seat, he was one of the first African Americans to run for city council.

In the 1960s, Dr. Jones served on the Elizabeth City-Pasquotank County School Board and as deacon at his church.

Throughout his life, Dr. Jones' contributions were recognized by those whom he touched. Among his many honors he received the Meharry Medical College President's Award for Service to Mankind and a special recognition award for loyalty and service to the dental profession from the Old North State Dental Society.

Though not a native, Elizabeth City lost one of their own when Dr. Jones passed away in 1995 at the age of 99.

I'm happy to rise today in support of this legislation honoring a dedicated professional, a wonderful human being, and a symbol of this community.

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

Mr. BUTTERFIELD. Mr. Speaker, I thank the gentleman for his kind words.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3468.

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

A motion to reconsider was laid on the table.

PRIVATE JOHNATHON MILLICAN LULA POST OFFICE

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3532) to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3532

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

SECTION 1. PRIVATE JOHNATHON MILLICAN LULA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, shall be known and designated as the ''Private Johnathon Millican Lula 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 ''Private Johnathon Millican Lula Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

□ 1615

Mr. BUTTERFIELD. Mr. Speaker, I'm pleased to join my colleagues today in the consideration of H.R. 3532 which seeks to name a postal facility in Lula, Georgia, after Private Johnathon Millican, a distinguished and heroic American serviceman.

H.R. 3532, which was introduced by Representative DEAL of Georgia, was introduced on September 14, 2007, and was considered and reported by the Oversight Committee on January 29, 2008, by a voice vote.

This measure has the support of the entire congressional delegation from the State of Georgia and provides us with yet another opportunity to pay tribute to a member of our country's armed service.

Johnathon Millican served his country proudly as a member of an airborne artillery brigade based out of Fort Richardson in Anchorage, Alaska, where I was a few weeks ago, and it is very cold out there, Mr. Speaker.

Private Millican gave his life in his service to our country when, on January 20, 2007, his unit was attacked by enemy insurgents in Karbala, Iraq. While Private Millican was only 20 years old when he lost his life in the line of duty, his service and faithful commitment to preserving the liberties and freedoms on which our Nation is built are sure to live on forever.

Mr. Speaker, let's remember and pay tribute to the ultimate sacrifice made by Private Millican. I urge the swift passage of this bill.

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

Mr. SHAYS. Mr. Speaker, a mere 20 years old, Private First Class Johnathon Millican of Trafford, Alabama, displayed wisdom beyond his years when he once said, ''You don't have to love the war, but you have to love the warrior.''

It is an honor for me to speak today about Private Millican, a true American hero who epitomizes bravery and loyalty to his country and fellow comrades.

Soon after graduating high school in 2005, Johnathon Millican enlisted into the Army and was assigned to the 377th Parachute Field Artillery Regiment from Fort Richardson, Alaska. In Karbala, Iraq, on January 20, 2007, Private Millican was off duty in a communications room talking with his wife, Shannon, when an attack started. The attackers fired several rounds and a grenade into the room, and tragically, he and four fellow officers lost their lives. Private Millican had been in Iraq for just 3 months.

Family and friends will forever remember Johnathon Millican's dedication to the cause of freedom and his commitment to bringing that cherished freedom to the people around the world where he served. It is with gratitude for his bravery and sacrifice and for the sacrifice of those who loved him that I ask all Members to join me in naming the Lula, Georgia, postal facility located on McLeod Street in his honor.

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

Mr. BUTTERFIELD. Mr. Speaker, I don't have any additional speakers. I will reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, at this time it is my privilege to recognize the very distinguished Member from Georgia (Mr. DEAL) for as much time as he would consume.

Mr. DEAL of Georgia. Mr. Speaker, I rise today to honor the memory of Army Private First Class Johnathon Miles Millican, dedicating the United States Post Office located in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office.''

Twenty-year-old Private First Class Johnathon Millican, a Hall County, Georgia, native, was killed by insurgents in Iraq while conducting a dismounted operation in Karbala on January 20, 2007. Private First Class Millican was off duty in a communications room talking with his wife when the attackers fired several rounds into the room with an AK–47 and one of them tossed in a concussion grenade. Courageously, he covered the grenade with his body, attempting to protect his comrades from the enemy intrusion. Private First Class Johnathon Millican was later awarded the Silver Star Medal of Honor for his courage, valor, and dedication for his fellow soldiers.

Johnathon Millican had attended Lula Elementary, East Hall Middle School, and East Hall High school in my home County of Hall. While in high school, Johnathon was active in the community, working the concessions stand at the community ballpark and coaching a 5-year-old T-Ball team. After graduating from high school in 2005, he moved to Locust Grove, Alabama, before enlisting in the Army. Johnathon was a member of the 377th Parachute Field Artillery Regiment from Fort Richardson, Alaska. Johnathon Millican left behind his wife, Shannon; his parents, Mitchell and Angie Millican; and Mary and Ronald Lykins and sisters, Amber'le, Ashley, and Amanda.

Mr. Speaker, I'm proud to rise today to pay tribute to this courageous young man and to join my constituents

of Lula, Georgia, in naming the ''Private Johnathon Millican Post Office.'' This honor will serve as a lasting reminder of the true recognition that is deserving of a fallen hometown hero who sacrificed his life to save the lives of his fellow soldiers.

Mr. Speaker, I include for the RECORD a copy of the letter from Mr. Milton Turner, the Mayor of the City of Lula, requesting that this post office be named the ''Private Johnathon Millican Lula Post Office.''

CITY OF LULA,
Lula, GA, August 20, 2007.

Subject: Consideration of Honorarium for PFC Johnathon Millican.

Congressman NATHAN DEAL,
Wachovia Center, Jesse Jewell Parkway, Gainesville, GA.

DEAR CONGRESSMAN DEAL: This letter represents the request of the City of Lula to recognize and honor the sacrifice and contributions made by a local young man, a fallen hero, Private First Class Johnathon Millican with the recognition and honor of his service and dedication to his country the naming of the Lula Post Office located on McLoud Street. Our 20-year-old young hero (a Hall County Native), was killed by insurgents in Iraq on Jan. 20, he had covered an enemy concussion grenade with his body attempting to protect his comrades from the enemy intrusion and was one of five U.S. soldiers killed during the attack in Karbala.

Johnathon had attended Lula Elementary and East Hall Middle School and High School only recently moving to Locust Grove Alabama before enlisting in the Army. Millican was a member of the 377th Parachute Field Artillery Regiment from Fort Richardson, Alaska.

PFC Millican was off duty in a communications room exchanging e-mails with his wife when the Jan. 20 attack started. The attackers fired several rounds into the room with an AK47 and one of them tossed in a grenade. In an earlier interview, Mitchell Millican told The Birmingham News his son was on one knee facing the door ''ready to shoot'' at that point and ''He could just as easily have jumped behind a desk or ducked down or whatever, but he chose to cover the grenade'' Mitchell Millican said ''and, to me, that shows character''.

We know of your commitment to our service men and woman and know how moved you were at his loss; this honor would help to establish the true recognition deserving of a fallen hero. Also we would encourage your efforts to move forward the campaign to have the pentagon award PFC J. Millican with the ''Medal of Honor'' a process which we realize could take months or even years.

Further we hope to have the opportunity in the near future to honor Jonathon's heroics here in Hall County and depending on your guidance will await some possible timetable for suggested dedication. Please advise the city of your schedule allowing your attendance and participation.

Best regards,

MAYOR MILTON TURNER.

Mr. BACHUS. Mr. Speaker, it is my honor to express my full support for H.R. 3532, naming the Federal post office in Lula, Georgia, in honor of PFC Johnathon Millican. It is a fitting tribute to a brave solider.

This recognition from the community where Johnathon spent his boyhood comes in addition to the inspiring ceremony held last July 28 at Locust Fork High School in Alabama, where Johnathon received his diploma. It was my great privilege to participate in the ceremony, in which Johnathon's wife and father were presented with his posthumous Silver Star award.

Johnathon's actions during the raid on Karbala on January 20, 2007 are the embodiment of the scriptural passage that says there is no greater love for a man than to lay down his life for his friends. His valor saved the lives of his fellow soldiers, and he died defending freedom.

At this time, allow me to introduce the remarks I made during the ceremony into the RECORD.

The actions of Johnathon Millican embody the same scriptural passage that we've heard at funerals of many of our veterans. It is: Greater love has no man than this, that one lay down his life for his friends.

Johnathon's life was short, but his legacy will stand.

His father shared with me a conversation he had with Johnathon just before he graduated here. Many of Johnathon's classmates were planning for college. Others had lined up a job. Still others were talking about how they were going to spend their summers, the things they were going to do.

Johnathon had already made another decision. He was going to enlist in the Army. The call to duty to serve his country was strong in the aftermath of 9/11.

Johnathon knew there would be personal sacrifices involved. He knew the fight would not be easy. In fact, his father reminded him that it could be dangerous. Johnathon accepted that. But Johnathon believed in the mission. From Iraq, he posted an observation on the Internet which I wish everyone in this country would observe.

The quote is, ''You don't have to love the war but you have to love the warrior.''

One definition of warrior is ''someone notable strength of spirit.''

Johnathon resoundingly demonstrated those qualities this past January 20th, when insurgents broke into the government compound in Karbala.

I think it is Johnathon's valor and our concern for all our young men and women in the field that brings us together. The Silver Star Award has given each and every one of us an opportunity to thank Johnathon and his family in a tangible way for his service and his courage. I very much appreciate each and every one of you who have come out this morning to show your love, your compassion, and your gratitude to Johnathon and his family.

It's a struggle to find the right words at a time like this. I think it's best to go to the soldiers in the field. Let me read from the email sent to me this week from Iraq by Captain Tom Morris, who was Johnathon's commanding officer.

''As a commander of troops in combat, losing your soldiers is harder than losing family members. Speaking at Johnathon's memorial service was the hardest thing I ever had to do.

''It brings me great pleasure to know that he is being awarded the Silver Star and that there will be a memorial at his high school in his honor. I believe the most important thing to do is to tell his story to those who do not know it, especially those who attend his school.

''I will always remember him, especially his deep southern accent and that he was a country boy who was the toughest there was and that nothing really bothered him. I can only hope that I can be as strong, both mentally and physically, as he was.

''He will be missed, but never forgotten. He was my soldier, friend, and fellow paratrooper.''

''Hero'' is an overused word these days. It's used to describe a TV actor or football player. There is a difference between fame and worthy accomplishment.

The reason we need to tell Johnathon's story is so people, especially our young men and women and boys and girls, do understand the difference between celebrity and heroism. The students who go past the memorial here at Locust Fork High School will know that a real hero walked their halls.

To conclude, a passage from Corinthians (16:13) is appropriate for Johnathon and all of the soldiers who protect us. It reads:

''Be on your guard, stand firm in the faith, be men of courage, be strong.''

These words apply perfectly to Johnathon, and why he is deserving of the Silver Star being presented to his family today.

Mr. BUTTERFIELD. Mr. Speaker, I don't have any additional speakers. I yield back the balance of my time.

Mr. SHAYS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3532.

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

A motion to reconsider was laid on the table.

JAMAL RASHARD ADDISON POST OFFICE BUILDING

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4203) to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Jamaal RaShard Addison Post Office Building,'' as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4203

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

SECTION 1. SPECIALIST JAMAAL RASHARD ADDISON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, shall be known and designated as the ''Specialist Jamaal RaShard Addison Post Office Building''.

(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 ''Specialist Jamaal RaShard Addison Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that all Members 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 North Carolina?

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 4203, as amended, which names a postal facility in Lithonia, Georgia, after Army Specialist Jamaal Addison, the first soldier from Georgia to lose his life while serving in Iraq.

H.R. 4203, which has the support of the entire congressional delegation from the State of Georgia, was introduced by my friend, Representative Henry ''Hank'' Johnson, Jr., of the State of Georgia on November 15, 2007, and was considered by and reported from the Oversight Committee by voice vote on January 29, 2008.

Mr. Speaker, the measure before us pays tribute to the life and service of Army Specialist Jamaal RaShard Addison by renaming the post office in his hometown of Lithonia, Georgia, after him.

A brave member of the 507th Ordnance Maintenance Company in Fort Bliss, Texas, Army Specialist Jamaal Addison died, unfortunately, on March 23, 2003, as a result of an enemy ambush near Nasiriyah, Iraq. Army Specialist Jamaal Addison was born on October 7, 1980, in the very town of Lithonia and spent his entire childhood there until enlisting in the United States Army in March of 2000.

As we pay tribute to this heroic American citizen, let's also take a moment and recollect on the thousands of men and women in uniform currently serving abroad in order to protect us here at home.

Mr. Speaker, I ask that we all proudly commemorate both the life and unfortunate death of Army Specialist Jamaal Addison by passing H.R. 4203. I want to commend the gentleman from Georgia (Mr. JOHNSON) for bringing forth this legislation and getting the entire delegation to support it.

At this time, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I rise today in support of this bill designating the United States postal facility located at 3035 Stone Mountain Street in Lithonia, Georgia as the ''Jamaal RaShard Addison Post Office Building.'' A native of Georgia, Army Specialist Jamaal Addison was a ''quiet, yet driven young man with a very gentle spirit.'' An honor roll student and member of the Junior ROTC, Jamaal graduated from Lakeside High School in Tucker, Georgia, in 1998.

His love of video games fostered a passion for computers. Driven by his desire to start his own computer business, Jamaal saw the military as an opportunity to develop his expertise as a computer technician. Enrolling in the Army in 2000, Specialist Addison spent a year in Korea before he was sent to the Middle East as part of the 507th Maintenance Company in the first days of the Iraqi War.

On March 23, 2003, the 507th convoy was ambushed and, tragically, Jamaal Addison lost his life. A dedicated husband, father, brother, and son, Specialist Addison was the first Georgian to pay the ultimate sacrifice in Iraq. His determination and caring spirit lives on through the Jamaal Addison Motivational Foundation, an organization founded by his mother, Patricia Roberts, to provide young members of the community with the opportunity to experience ''wide options available to them to lead successful lives'' and to ''strive to achieve his or her highest potential.''

I urge the passage of this bill in honor of an ambitious, caring, and dedicated American who sacrificed his life while serving his country, a true American patriot.

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

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from the Fourth Congressional District of Georgia (Mr. JOHNSON), the author and sponsor of this legislation, a friend who serves on the Armed Services Committee and the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 4203, my bill to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building.''

The war in Iraq continues, and no matter what our differing opinions are on it, it is imperative that we honor those who have fallen serving our country. Specialist Jamaal RaShard Addison was one of the first to meet an untimely end, and it is my privilege to stand here today to honor him.

Jamaal was born on October 7, 1980, to Patricia M. Roberts and Kevin B. Addison. He was the first Georgia soldier to lose his life in the Iraq war. He is survived by his parents and his 6-year-old son, Jamaal RaShard Addison, the 2nd. Jamaal was a lifelong resident of the Fourth District of Georgia, which is where I represent, and he was raised in the City of Lithonia for most of his life from 1981 to 1998.

He attended Henderson Mill Elementary School, Henderson Middle School, and Lakeside High School. Motivated by the opportunity to train as a computer technician and to help provide for his family, Jamaal joined the ROTC at Lakeside High School in Decatur, Georgia, in 2000.

After enlisting in the United States Army, Jamaal completed his basic training at Fort Benning and also at Fort Gordon in Georgia before serving a year in Korea. As a member of the 507th Maintenance Company, Jamaal was part of the initial invasion of Iraq. He was killed just days after he arrived there on March 23, 2003, when his convoy took a wrong turn and was ambushed near Nasiriyah. He was just 23 years old.

□ 1630

Specialist Jamaal RaShard Addison was the first Georgia soldier to pay the ultimate price in the Iraq war. Out of this tragedy, however, has come some good in the form of the Jamaal Addison Motivational Foundation, Inc., founded by Jamaal's mother, Patricia Roberts.

The foundation works with young people to offer opportunities for positive growth and to expose youth to the wide options available to them to lead successful lives. It offers youth an 8-week program designed to motivate, teach, and inspire them to develop into citizens of stature to give back to the community.

I've had the pleasure of working with Mrs. Roberts and have seen firsthand the tremendous impact that this foundation has had upon our community. Jamaal's father, Kevin Addison, is a career postal worker; and so renaming this post office is a particularly fitting tribute to a fine young man who was an excellent father as well.

Specialist Jamaal RaShard Addison paid the ultimate price by giving his life in service to his country. He was the first of too many Georgians to perish in Iraq. This year marks the fifth anniversary of his untimely passing, and I am very pleased to be able to offer this bill in his memory.

America's fallen soldiers are heroes who deserve our enduring support. I ask my colleagues and all Americans to recognize those who have fallen and those who are currently serving by supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 4203, as amended.

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

The title was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the 'Specialist Jamaal RaShard Addison Post Office Building'.''

A motion to reconsider was laid on the table.

SERGEANT JAMIE O. MAUGANS POST OFFICE BUILDING

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5135) to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building.''

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5135

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

SECTION 1. SERGEANT JAMIE O. MAUGANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 201

West Greenway Street in Derby, Kansas, shall be known and designated as the ''Sergeant Jamie O. Maugans Post Office Building''.

(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 ''Sergeant Jamie O. Maugans Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I join my colleagues today in consideration of H.R. 5135, which seeks to designate a postal facility in Derby, Kansas, in honor of Sergeant Jamie O. Maugans, the first soldier from Kansas to lose his life in Operation Enduring Freedom. That's the war in Afghanistan.

H.R. 5135 enjoys the support of the entire congressional delegation from the State of Kansas and was introduced by my colleague, Representative TODD TIAHRT, on January 23, 2008. The measure was taken up by the Oversight Committee on January 29, 2008, and was passed by voice vote.

H.R. 5135 calls for honoring Sergeant Maugans' service to our country by designating the post office in his home town of Derby, Kansas, as the Sergeant Maugans Post Office Building.

A graduate of Derby High School and a former student of the University of Kansas and Cowley County Community College, Sergeant Maugans served diligently as a member of the armed services since 1997.

Sergeant Maugans was an ordnance disposal specialist and stationed in San Diego, California, before being deployed to Afghanistan in the fall of 2001. On April 15, 2002, while deposing of ordnances near Kandahar, Afghanistan, Sergeant Maugans was killed along with three other soldiers in his unit when rockets which he was attempting to dismantle exploded.

Mr. Speaker, I urge the swift passage of H.R. 5135. And I apologize for not pronouncing the sponsor of the legislation's name correctly. I suspect I did not.

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

Mr. SHAYS. Mr. Speaker, in deference to the gentleman who introduced this bill, TODD TIAHRT, who is a member of the Appropriations Committee and is also on its Defense subcommittee and also a member of the Intelligence Committee, I'm going to insert my statement into the RECORD and then yield him as much time as he might consume.

Mr. Speaker, I rise today in support of this bill, designating the facility of the United States Postal Service located at 201 West Germany Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building."

A native of Derby, SGT Jamie Maugans was the first casualty of the global war on terror from the 4th Congressional District in Kansas.

A graduate of Derby High School, Sergeant Maugans attended the University of Kansas and Cowley Community College before joining the Army. Stationed in San Diego serving as an ordnance disposal specialist, he deployed to Afghanistan shortly after the attacks of 9/11 as part of Operation Enduring Freedom.

On April 15, 2002, while disposing of ordnance near Kandahar, Afghanistan, Sergeant Maugans, along with three others, lost his life in an accidental ordnance explosion.

Described by his friends as one of the "kindest, most gentle-hearted people on the planet," Jamie Maugans died preserving the lives of his fellow soldiers and the freedom of this Nation. I urge that we accept this bill to honor that spirit of sacrifice embodied by Sergeant Maugans.

Mr. TIAHRT. Mr. Speaker, first I want to thank the gentleman from North Carolina for carrying this bill and also the gentleman from Connecticut for yielding to me and for the great job he's doing here in the House of Representatives.

Mr. Speaker, I am also honored to have to carry this bill. And, today, Congress has the honor to approve the bill, naming the post office in Derby, Kansas, after a true American hero, SGT Jamie O'Dell Maugans.

Sergeant Maugans was the first casualty of the global war on terror from the 4th District of Kansas, a district that has experienced 12 casualties in this war. A Derby native, Sergeant Maugans graduated from Derby High School and attended Cowley County Community College and the University of Kansas before joining the Army.

When the terrorists attacked our Nation on September 11, 2001, Jamie was serving as an ordnance disposal specialist stationed in San Diego, California. Shortly after those attacks, he was deployed in Afghanistan in connection with Operation Enduring Freedom. On April 15, 2002, while disposing of ordnance near Kandahar, Afghanistan, Sergeant Maugans was killed.

The explosion also took the lives of three other soldiers, including fellow Kansan, SSG Justin Galewski from Olathe. Jamie was only 27 years old.

Sergeant Maugans left behind a loving family and friends in Kansas. I know his mother, Kathy Wurdeman, and his father, Bryce Maugans, his step-mother, Mary Maugans, and his brother and four sisters are very proud of Jamie and his service to this country. I am honored to have worked with the Maugans family and the Derby community on this effort.

Although this bill names the Derby Post Office building after Sergeant Maugans, this endeavor is not only a way to honor Jamie, but a way to honor all those from Kansas who have died in defense of this Nation from radical Muslims.

As the first casualty from my district, Jamie's life and memory are a representation of all those who have lost their lives in the global war on terror. I hope this effort will be a reminder to everyone in south central Kansas of the sacrifice that so many veterans have made for our country and our freedoms.

Let me take just a few moments to read the names of all those from the 4th District of Kansas who have died in Iraq and Afghanistan so that their sacrifice is honored:

SGT Jerry W. Mills, Jr., from Arkansas City, Kansas, died on November 29, 2005.

SGT Evan S. Parker, also from Arkansas City, died on October 26, 2005.

SGT Alexander J. Funcheon from Bel Aire died on April 29, 2007.

PFC Class Ryan R. Cox from Derby died on June 15, 2001.

SPC Joseph F. Herndon II, also from Derby, died on July 29, 2004.

SPC Dustin K. McGaugh from Derby died on September 30, 2001.

SGT Willsun Mock from Harper died on October 22, 2006.

SPC Eric C. Palmer from Maize died on June 24, 2007.

SSG David R. Berry from Wichita died on February 22, 2007.

PFC Chad E. Marsh from Wichita died on February 17, 2007.

And 1SG Timmy J. Millsap from Wichita died on April 25, 2005.

In addition, at this time I will submit a statement for the RECORD and include all the names of Kansans who have died in the global war on terror.

Mr. Speaker, below are the names of the fallen heroes from Kansas who have died in the global war on terror. These brave men paid the ultimate sacrifice in service to a grateful Nation. Although we are naming the post office after one of their comrades, I hope this effort honors all those who have died in defense of America.

Staff Sergeant Clinton Lee Wisdom from Atchison died on November 8, 2004.

2nd Lieutenant James Michael Goins from Bonner Springs died on August 15, 2004.

Lance Corporal Brian A. Escalante from Dodge City died on February 17, 2007.

Private 1st Class Shane R. Austin from Edgerton died on October 8, 2006.

Staff Sergeant Dustin W. Peters from El Dorado died on June 11, 2004.

Corporal Juan C. Cabralbanuelos from Emporia died on January 31, 2004.

Sergeant Christopher R. Kruse from Emporia died on November 13, 2007.

Specialist David J. Lane from Emporia died on September 4, 2007.

Sergeant 1st Class Travis S. Bachman from Garden City died on August 1, 2007.

Specialist Clinton R. Upchurch from Garden City died on January 7, 2007.

Corporal Richard A. Bennett from Girard died on May 27, 2006.

Sergeant William W. Crow Jr. from Grandview Plaza died on June 28, 2007.

Sergeant Jessie Davila from Greensburg died on February 20, 2006.

Specialist John Edward Wood from Humboldt died on October 7, 2006.

Sergeant Christopher S. Perez from Hutchinson died on May 23, 2005.

Sergeant Courtney D. Finch from Leavenworth died on July 24, 2007.

Corporal David M. Unger from Leavenworth died on October 17, 2006.

Lance Corporal Jose S. Marin-Dominguez Jr. from Liberal died on May 14, 2006.

Staff Sergeant Henry W. Linck from Manhattan died on December 7, 2006.

Lance Corporal Christopher B. Wasser from Ottawa died on April 8, 2004.

Staff Sergeant Kevin L. Zeigler from Overland Park died on August 12, 2006.

Private 1st Class Peter D. Wagler from Partridge died on January 23, 2006.

Specialist Joseph L. Lister from Pleasanton died on November 20, 2003.

Sergeant Ian C. Anderson from Prairie Village died on January 15, 2007.

Corporal Michael Raymond Speer from Redfield died on April 9, 2004.

Private Dustin L. Kreider from Riverton died on March 21, 2004.

Specialist Lucas A. Frantz from Tonganoxie died on October 18, 2005.

Private Jeremy L. Drexler from Topeka died on May 2, 2004.

Specialist Kyle G. Thomas from Topeka died on September 25, 2003.

Specialist Don Allen Clary from Troy died on November 8, 2004.

Sergeant Jacob Lee Butler from Wellsville died on April 1, 2003.

Specialist Michael D. Brown from Williamsburg died on October 16, 2007.

Sergeant Benjamin C. Morton from Wright died on May 22, 2005.

Staff Sergeant Justin J. Galewski from Olathe died on April 15, 2002.

Sergeant Michael C. Barry from Overland Park died on February 1, 2003.

Specialist David E. Hall from Union Town died on February 25, 2004.

Corporal Jeremiah S. Cole from Hiawatha died on August 16, 2006.

Sergeant 1st Class Bernard Lee Deghand from Mayetta died on September 15, 2006.

Sergeant Charles J. McClain from Fort Riley died on October 31, 2006.

Sergeant Jeffery S. Mersman from Parker died on November 9, 2007.

Sergeant Jerry W. Mills, Jr., from Arkansas City died on November 29, 2005.

Sergeant Evan S. Parker from Arkansas City died on October 26, 2005.

Sergeant Alexander J. Funcheon from Bel Aire died on April 29, 2007.

Private 1st Class Ryan R. Cox from Derby died on June 15, 2003.

Specialist Joseph F. Herndon II from Derby died on July 29, 2004.

Specialist Dustin K. McGaugh from Derby died on September 30, 2003.

Sergeant Willsun Mock from Harper died on October 22, 2006.

Specialist Eric C. Palmer from Maize died on June 24, 2007.

Staff Sergeant David R. Berry from Wichita died on February 22, 2007.

Private 1st Class Chad E. Marsh from Wichita died on February 17, 2007.

1st Sergeant Timmy J. Millsap from Wichita died on April 25, 2005.

Mr. Speaker, by naming this post office building the Jamie O. Maugans Post Office, I hope that everyone in south central Kansas will come to know and remember this young man and his sacrifice. Furthermore, I hope that we can all recommit ourselves to honor those who have fallen in battle in defense of this Nation. I ask my colleagues to support this important effort.

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

Mr. BUTTERFIELD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 5135.

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

A motion to reconsider was laid on the table.

CELEBRATING THE BIRTH OF ABRAHAM LINCOLN

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 281) celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 281

Whereas Abraham Lincoln, the 16th President of the United States, was born of humble roots on February 12, 1809, in Hardin County, Kentucky;

Whereas Abraham Lincoln rose to political prominence as an attorney with a reputation for fairness, honesty, and a belief that all men are created equal and that they are endowed by their Creator with certain unalienable rights;

Whereas Abraham Lincoln was elected and served with distinction in 1832 as a captain of an Illinois militia company during the Black Hawk War;

Whereas Abraham Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively re-elected until 1840;

Whereas Abraham Lincoln revered the Declaration of Independence, forming the motivating moral and natural law principle for his opposition to the spread of slavery to new States entering the Union and to his belief in slavery's ultimate demise;

Whereas Abraham Lincoln was elected in 1846 to serve in the United States House of Representatives, ably representing central Illinois;

Whereas Abraham Lincoln re-entered political life as a reaction to the passage of the Kansas-Nebraska Act in 1854 which he opposed;

Whereas Abraham Lincoln expounded on his views of natural rights during the series of Lincoln-Douglas debates in 1858 declaring in Charleston, Illinois that natural rights were ''. . . enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness'' and these views brought Lincoln into national prominence;

Whereas Abraham Lincoln, through a legacy of courage, character, and patriotism, was elected to office as the 16th President of the United States on November 6, 1860;

Whereas Abraham Lincoln believed the Declaration of Independence to be the anchor of American republicanism, stating on February 22, 1861, during an address in Philadelphia, Pennsylvania at Independence Hall that, ''I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence . . . I have often inquired of myself, what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lofted from the shoulders of men'';

Whereas, upon taking office and being thrust into the throes of the Civil War, President Abraham Lincoln wrote the Emancipation Proclamation, freeing all slaves in southern States that seceded from the Union on January 1, 1863;

Whereas, on November 19, 1863, Abraham Lincoln dedicated the battlefield at Gettysburg, Pennsylvania with the Gettysburg address, which would later be known as his greatest speech, that harkened back to the promises of the Declaration of Independence in the first sentence: ''Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal'';

Whereas Abraham Lincoln was reelected to the Presidency on November 8, 1864, by 55 percent of the popular vote;

Whereas Abraham Lincoln gave the ultimate sacrifice for his country, dying six weeks into his second term on April 15, 1865;

Whereas the year 2009 will be the Bicentennial anniversary of the birth of Abraham Lincoln, and the United States will observe 2 years of commemorations beginning February 12, 2008; and

Whereas all Americans could benefit from studying the life of Abraham Lincoln as a model of achieving the American Dream through honest, integrity, loyalty, and a lifetime of education: Now, therefore, be it

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

(1) requests that the President issue a proclamation each year recognizing the anniversary of the birth of President Abraham Lincoln and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities; and

(2) encourages State and local governments and local educational agencies to devote sufficient time to study and appreciate the reverence and respect Abraham Lincoln had for the significance and importance of the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

Mr. BUTTERFIELD. Mr. Speaker, I join my colleagues in consideration of H. Con. Res. 281, which celebrates the birth of Abraham Lincoln and recognizes the prominence the Declaration

of Independence played in the development of Lincoln's beliefs.

H. Con. Res. 281 enjoys the support and cosponsorship of 54 Members of Congress and was introduced by Representative DONALD MANZULLO of Illinois on January 23, 2008. A similar measure, Mr. Speaker, S. Con. Res. 65, has been sponsored by our friend, Senator RICHARD DURBIN.

As we honor Abraham Lincoln, it is important to note that the United States Abraham Lincoln Bicentennial Commission was established by this Congress in 2000 to plan the national observance of the 200th anniversary of Abraham Lincoln's birth in 2009.

The mission of the commission is to commemorate the 200th birthday of Abraham Lincoln, emphasizing the contribution of his thoughts and his ideals to America and to the world and serving as a catalyst for strengthening freedom, democracy, and equal opportunity for all.

The commission, which is co-chaired by Senator RICHARD DURBIN and Representative RAY LAHOOD, is focused on informing the public about the impact Abraham Lincoln had on the development of our Nation and finding the best possible ways to honor his accomplishments.

The commission states: ''During the gravest crisis in American history, Lincoln preserved the Union, led the effort to eradicate slavery, and articulated the best aspirations of American democracy. We propose recalling these accomplishments in ways that will enlighten and inspire us both today and tomorrow. Remembering our past, we can better light the way to our future.''

For the next 2 years, there are numerous events scheduled to commemorate Abraham Lincoln. They include a rededication of the Lincoln Memorial here in Washington, DC, in 2009, citizenship ceremonies at Lincoln sites throughout that year, a redesigned 2009 penny series and $5 bill series, a 2009 bicentennial commemorative dollar coin and commemorative stamps.

Mr. Speaker, I urge the swift passage of this bill.

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

Mr. SHAYS. Mr. Speaker, I rise today to honor the life of our 16th President, Abraham Lincoln, on the 199th anniversary of his birth in Hardin Country, Kentucky.

In the history of this great Nation, the Presidency of Abraham Lincoln can be counted among the best of the best. President Lincoln saved the Union not only from its dissolution through the Civil War, but from its own immoral practice of slavery.

From his earlier years in Kentucky and Illinois to his time in the State legislature and his term in this House, Abraham Lincoln developed a political animus fueled by an unshakeable belief in the natural rights espoused by the Founding Fathers four score and 87 years before he dedicated that sacred ground at Gettysburg. Those natural rights were most clearly enumerated by the Declaration of Independence as life, liberty, and the pursuit of happiness.

Addressing Independence Hall in Philadelphia, Pennsylvania, in 1861, President Lincoln credited the wisdom of the Fathers with absolute clarity. ''I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence,'' so he spoke.

President Lincoln's service to his country began in 1832 when he served with distinction and was elected to the rank of captain of an Illinois militia company in the Black Hawk War. That military service preceded his entry into politics when he was elected to the State legislature in 1834, where he served the citizens of Sangamon County until 1840.

In 1846, President Lincoln moved on to serve in the U.S. House of Representatives, serving one term before he decided not to seek reelection and return to private practice as a lawyer. Spurred by the turmoil that gripped the Nation after the passage of the Kansas-Nebraska Act of 1854, Lincoln decided to reenter the public arena, lending his clarion voice to the cause of liberty.

□ 1645

While speaking on the repeal of the Missouri Compromise in Peoria, Illinois, in July, 1854, then former Congressman Lincoln declared, ''No man is good enough to govern another man without the other's consent.''

In August 1858, Lincoln wrote, ''As I would not be a slave, so I would not be a master. This expresses my idea of democracy.''

In his letter to Massachusetts Representative Henry L. Pierce in 1859, Lincoln wrote, ''Those who deny freedom to others deserve it not for themselves.''

In 1860, Abraham Lincoln took his political and moral philosophy to the White House in the midst of a national crisis that would lead the Nation to civil war. Abraham Lincoln's singular vision that the Union must be preserved guided this Nation through its darkest days.

Reelected with a clear majority in 1864, Lincoln saw the forces of liberty prevail as the war ended with the Union intact and slavery abolished. On April 15, 1865, a mere 6 weeks into his second term, President Lincoln was struck down by an assassin's bullet.

Two hundred years after he was born and 143 years after he sacrificed his life for his country, Abraham Lincoln is bound up in the mystic chords of our national memory as the man who fulfilled the promises of liberty and equality and humanity first put forth in our founding Declaration.

Mr. Speaker, the originator of this resolution, DON MANZULLO, is on a plane, so obviously we can't yield him time. But I do want to point out that he offered this resolution and he has a statement which will be inserted into the RECORD.

I would just like to say that on the 150th anniversary of Lincoln's birth, Carl Sandberg, addressed Congress in this Chamber after it had officially adjourned. I highly recommend his address to anyone who loves this great American President.

Mr. Sanderg pointed out that Lincoln went to Gettysburg believing he would lose the next election, and in spite of that, instead of doing what political consultants would urge someone to do today, speak angrily about the South who couldn't vote for him, to unite the North to support him, Sandberg pointed out Lincoln spoke of the ''brave men living and dead who fought here.'' He didn't speak of North or South. This magnificent President was trying to heal the Nation. That came first. And as Carl Sandberg points out, this was at a time when American families had their sons fighting on both sides, and in one particular instance in one battle, a family lost both sons, one in Confederate gray and the other in northern blue. And they buried them on top of each other, with these words ''Only God knows which one was right.''

We can never study enough about this great President. The lessons he teaches us are lessons that we all could benefit from, still today, and in the future.

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

Mr. BUTTERFIELD. Mr. Speaker, I want to thank the gentleman for his passion and for his comments on the life and work of Abraham Lincoln.

Mr. CONYERS. Mr. Speaker, H. Con. Res. 281 celebrates the birth of Abraham Lincoln and recognizes the prominence the Declaration of Independence played in the development of his beliefs.

I am honored and pleased to stand with my friends in the Illinois delegation as we honor our 16th President on his 199th birthday and kick off the nationwide bicentennial celebration of his birth.

Abraham Lincoln has achieved universal recognition as one of the greatest Presidents in American history. Today we recognize the life and legacy of the man who had the moral courage and political acumen to end the abominable practice of slavery in America and to save an imperiled Union from secession and civil war.

We also emphasize the prominent role the Declaration of Independence played in President Lincoln's political philosophy. President Lincoln often cited the Declaration of Independence as a basis for his opposition to slavery and as his inspiration for saving the Union. On his inaugural journey to Washington, President Lincoln stopped in Philadelphia at the site where the Declaration of Independence had been signed and declared, ''I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence.'' In the Gettysburg Address, he defined the end of the war as a rededication to the ideals of that founding document.

H. Con. Res. 281 calls upon the President to issue an annual proclamation recognizing

the anniversary of the birth of our 16th President. It recognizes the activities of the Abraham Lincoln Bicentennial Commission, which initiates two years of commemorations beginning on February 12, 2008. It also encourages local governments and schools to spend sufficient time studying President Lincoln and his devotion to the Declaration of Independence. I urge my colleagues to give their enthusiastic support to this important legislation.

Mr. MANZULLO. Mr. Speaker, it is with a great honor and a sense of humility as the senior Republican from the Land of Lincoln that I offer this resolution to celebrate the birthday of our Nation's 16th President. I want to first offer my deep thanks and gratitude to the chairman and ranking minority member of the Oversight and Government Reform Committee, Mr. WAXMAN of California and Mr. DAVIS of Virginia, respectively, for allowing this resolution to come up on the floor to coincide with President Lincoln's birthday. I recognize that this was an unusual procedure and that normal committee protocol was waived to expedite consideration of this resolution to time with Lincoln's birthday today. I also want to offer my profound appreciation to my good friend and fellow Illinoisan, Representative DANNY DAVIS of Chicago, who made all of this possible to happen today.

Abraham Lincoln was born 199 years ago today to Thomas Lincoln and Nancy Hanks at Knob Creek Farm near Hodgenville, Kentucky, in Hardin County. Today starts a series of celebrations over the next 2 years to commemorate the life of Abraham Lincoln based on the Abraham Lincoln Bicentennial Commission Act, which was signed into law by President Bill Clinton in 2000. These commemorations include a special kick-off ceremony at Lincoln's boyhood home, the redesign of the Lincoln penny, a special bicentennial postage stamp, a rededication of the Lincoln Memorial, and a special joint session or meeting of Congress for ceremonies and activities related to Abraham Lincoln. I am absolutely delighted that the House will join in this kick-off celebration in Kentucky, albeit delayed because of an ice storm, with the debate over this resolution. This resolution will continue honoring Lincoln's legacy beyond the next 2 years by requesting the President to issue a proclamation every year in his honor as he does for many other great figures of American history.

In the fall of 1816, Thomas and Nancy Lincoln packed their belongings and their two children—Sarah, 9, and Abraham, 7—and left Kentucky bound for the new frontier of Spencer County in southern Indiana. Abraham Lincoln lived in Indiana for the next 14 years until he was 21 years old. However, in October 1818, when Abraham was 9 years old, his mother, Nancy Hanks Lincoln, died. His feelings for her were still strong some 40 years later when he said, "All that I am or hope to be, I owe to my angel mother."

In 1830, Thomas Lincoln, then re-married, decided to move the family to another new frontier—this time to the tiny village of Decatur, Illinois, located in Macon County. Hard working and intellectually inquisitive, Abraham Lincoln's first foray into public service came in 1832 when he was elected and served as a captain of an Illinois militia company during the Black Hawk War. Following his military service, Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively reelected until 1840. In 1846, Abraham Lincoln was elected to serve in this great House, where he ably represented central Illinois in the seat now held by my good friend and colleague, Representative RAY LAHOOD.

Lincoln grew to prominence as an attorney and a legislator with a reputation for fairness, honesty, and a belief that all men are created equal, endowed by their Creator with certain unalienable rights. He founded these beliefs in the ideals of the Declaration of Independence—a document which, as President, he would cite frequently as his inspiration for saving the Union and as the basis for his opposition to slavery. During a speech at Independence Hall in 1861, Lincoln stated, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence . . . [it is these sentiments] which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time." Lincoln's belief in the principles espoused by the Declaration formed the motivating moral and natural law principle for his opposition to the spread of slavery and his belief in slavery's ultimate demise.

Lincoln found his belief in the equality of men to be directly at odds with the passage of the Kansas-Nebraska Act in 1856. This legislation promulgated the concept of "popular sovereignty"—the idea that State citizens should be able to determine the presence of slavery in their State by popular referendum. Lincoln's strong feelings against the passage of the Kansas-Nebraska Act propelled Lincoln to return to politics, and he began a bid for the U.S. Senate.

During his campaign for the Senate, Lincoln engaged in a series of seven debates with his opponent, Stephen Douglas. Now known as the Lincoln-Douglas debates, Lincoln's eloquence and studied opposition to the spread of slavery brought him into national prominence.

The second of these debates was held in Freeport, Illinois, a city in the district that I am privileged to represent, and was the origin of what is now known as the "Freeport Doctrine." Cornered by Lincoln into choosing between the notion of popular sovereignty or the prohibition against outlawing slavery put forth by the infamous Dred Scott Supreme Court decision, Stephen Douglas responded that slavery could be prevented from any territory by the refusal of the people living in that territory to pass laws favorable to slavery. Likewise, if the people of the territory supported slavery, legislation would provide for its continued existence. While this doctrine would see Douglas reelected to the Senate over Lincoln, it would be a key factor in his loss in the 1860 Presidential election.

Lincoln's performance in the debates won him national prominence and a reputation for courage, character, and patriotism. These factors played heavily into his election to office as the 16th President of the United States on November 6, 1860.

Upon taking office, Lincoln was thrust into the throes of the Civil War. Leading a partitioned Union, Lincoln relied heavily on his political ideals born of the Declaration of Independence. On January 1, 1863, Lincoln issued what would become the most iconic document of his Presidency—the Emancipation Proclamation, freeing all the slaves in southern States that seceded from the Union. His commitment to the promises of the Declaration of Independence were further evidenced in the opening lines of his greatest speech at Gettysburg: "Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."

On November 8, 1864, Abraham Lincoln was reelected to the Presidency by 55 percent of the popular vote. He continued to act as a courageous and principled leader until he was assassinated by John Wilkes Booth on April 14, 1865. Abraham Lincoln died on April 15, 1865.

Abraham Lincoln's profound and courageous belief in the equality of men and the sacredness of the American Union propelled him forward as one of the greatest Presidents our Nation has known. Last Sunday, at a White House ceremony honoring Abraham Lincoln, President George W. Bush said, "he, of all the successors to George Washington, none had greater impact on the presidency and on the country . . . He was a fabulous man, a great President. His life was one of humble beginnings, and steadfast convictions. And so we celebrate his deeds, we lift up his ideals, and we honor this good man."

Lincoln is a hero to so many of us here in this House on both sides of the aisle, as he is to me. The prominence of President Abraham Lincoln is an undisputed fact of American history. The man best known for freeing the slaves and saving an imperiled Union has attained iconic status among historians and citizens alike as evidenced by best selling books such as Team of Rivals by Doris Kearns Goodwin that documented the political genius of Lincoln in winning the Presidency and governing the Nation.

And yet, this man of great genius, compassion and acumen lacks official Federal recognition for the day of his birth, February 12, because what is popularly known as President's Day is legally Washington's Birthday. While I do not wish to diminish the contributions George Washington made to the establishment of this great country, this resolution will finally give Lincoln his due without the cost of a separate Federal holiday by simply requesting the President each year to issue a proclamation honoring this great man and encouraging the people of the United States to observe his birthday with appropriate ceremonies and activities. The resolution also encourages State and local governments and local educational agencies to study and appreciate the reverence and respect Abraham Lincoln had for the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

Mr. Speaker, I urge my colleagues to join me in honoring Abraham Lincoln today and in recognizing the profound influence the Declaration of Independence had upon Lincoln's political philosophy as a model for us to emulate.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

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

The yeas and nays were ordered.

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

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, February 11, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, 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, I have the honor to transmit a sealed envelope received from the White House on February 11, 2008, at 4:12 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President and the 2008 Annual Report of the Council of Economic Advisers.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–83)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

Over the past 6 years of economic expansion, the American economy has proven its strength and resilience, Job creation grew uninterrupted for a record period of time, inflation remains moderate, unemployment is low, and productivity continues to grow. The economy is built upon a strong foundation, with deep and sophisticated capital markets, flexible labor markets, low taxes, and open trade and investment policies.

Americans should be confident about the long-term strength of our economy, but our economy is undergoing a period of uncertainty, and there are heightened risks to our near-term economic growth. To insure against these risks, I called upon the Congress to enact a growth package that is simple, temporary, and effective in keeping our economy growing and our people working.

There is more we should do to strengthen our economy. First, we must keep taxes low. Unless the Congress acts, most of the tax relief that we have delivered over the past 7 years will be taken away and 116 million American taxpayers will see their taxes rise by an average of $1,800. The tax relief of the past few years has been a key factor in promoting economic growth and job creation and it should be made permanent. We must also work together to tackle unfunded obligations in entitlement programs such as Social Security, Medicare, and Medicaid, I have laid out a detailed plan in my Budget to restrain spending, cut earmarks, and balance the budget by 2012 without raising taxes.

Second, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market. My Administration has acted aggressively to help credit-worthy homeowners avoid foreclosure. We launched a new initiative called FHASecure to help families refinance their homes. I signed legislation to protect families from higher taxes when lenders forgive a portion of their home mortgage debt. We have also brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure by facilitating the refinancing and modification of mortgages. The Congress can do more to help American families keep their homes by passing legislation to reform Freddie Mac and Fannie Mae, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages.

Third, we must continue opening new markets for trade and investment. We have an unprecedented opportunity to reduce barriers to global trade and investment through a successful Doha round. The Congress should also approve our pending free trade agreements. I thank the Congress for its approval of a good agreement with Peru, and ask for the approval of agreements with Colombia, Panama, and South Korea. These agreements will benefit our economy by providing greater access for our exports and supporting good jobs for American workers, and they will promote America's strategic interests. I have asked the Congress to reauthorize and reform trade adjustment assistance so that we can help those workers who are displaced by trade to learn new skills and find new jobs.

Fourth, we must make health care more affordable and accessible for all Americans. I have proposed changes in the tax code that would end the bias against those who do not receive health insurance through their employer and would make it easier for many uninsured Americans to obtain insurance. This reform would put private health care coverage within reach for millions. My Budget also improves access to health care by increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would encourage competition among health plans across State lines, help reduce frivolous lawsuits that increase patients' costs, and promote the use of health savings accounts.

Fifth, we must increase our energy security and confront climate change. Last year, I proposed an ambitious plan to reduce U.S. dependence on oil and help cut the growth of greenhouse gas emissions. I am pleased that the Congress responded, and I was able to sign into law a bill that will increase fuel economy and the use of alternative fuels, as well as set new efficiency mandates on appliances, light bulbs, and Federal Government operations. In my State of the Union Message, I proposed that we take the next steps to accelerate technological breakthroughs by funding new technologies to generate coal power that captures carbon emissions, advance emissions-free nuclear power; and invest in advanced battery technology and renewable energy. I am also committing $2 billion to a new international clean technology fund that will help developing nations make greater use of clean energy sources. Additionally, my Budget proposes to protect the economy against oil supply disruptions by doubling the capacity of the Strategic Petroleum Reserve.

Finally, a strong and vibrant education system is vital to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Six years ago, we came together to pass the No Child Left Behind Act, and no one can deny its results. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools.

Many of these issues are discussed in the 2008 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. By relying on the foundation and resilience of our economy, trusting the decisions of individuals and markets and pursuing pro-growth policies, we should have confidence in our prospects for continued prosperity and economic growth.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 2008.*

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, February 8, 2008.

Hon. NANCY PELOSI,
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 February 8, 2008, at 2:22 p.m.:

That the Senate agreed to without amendment H. Con. Res. 273.

That the Senate agreed to S. Con. Res. 67.

That the Senate agreed to S. Con. Res. 68.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

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, February 12, 2008.

Hon. NANCY PELOSI,
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 February 12, 2008, at 10:30 a.m.:

That the Senate agreed to S. Res. 446.

That the Senate passed S. 2071.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentleman from California (Mr. LANTOS), the whole number of the House is 429.

RECESS

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

Accordingly (at 4 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 954, by the yeas and nays;

H. Res. 909, by the yeas and nays;

H. Con. Res. 281, by the yeas and nays.

The vote on H. Res. 960 will be taken tomorrow.

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

HONORING THE LIFE OF SENIOR BORDER PATROL AGENT LUIS A. AGUILAR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 954, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 954, as amended.

The vote was taken by electronic device, and there were—yeas 357, nays 0, not voting 71, as follows:

[Roll No. 43]

YEAS—357

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—71

Ackerman
Bartlett (MD)
Bean
Blumenauer
Bono Mack
Brown, Corrine
Burton (IN)
Buyer
Cantor
Chandler
Clay
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Johnson (IL)
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCrery
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Spratt
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1855

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS THAT FOUGHT FOR AMERICAN INDEPENDENCE IN THE ''SIEGE OF SAVANNAH''

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 909, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 909, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 361, nays 0, not voting 67, as follows:

[Roll No. 44]

YEAS—361

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—67

Ackerman
Bean
Blumenauer
Bono Mack
Brown, Corrine
Burton (IN)
Cantor
Chandler
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCrery
Moore (WI)
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 1904

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Madam Speaker, on rollcall No. 44, had I been present, I would have voted ''yea.''

ANNOUNCING THE PASSING OF THE HONORABLE TOM LANTOS

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

Mr. STARK. Madam Speaker, as dean of the California delegation, it is my sad responsibility to make the formal announcement to the House of Representatives about yesterday's passing of our good friend and colleague, TOM LANTOS of California.

I ask that we observe a moment of silence to honor TOM's legacy of service to his constituents, the House of Representatives, and the people around the world for whom he sought human rights. He will be sorely missed.

The SPEAKER. Members will please rise and observe a moment of silence in memory of our esteemed colleague, the Honorable TOM LANTOS.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

CELEBRATING THE BIRTH OF ABRAHAM LINCOLN

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 281, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 357, nays 0, not voting 71, as follows:

[Roll No. 45]

YEAS—357

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)

Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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
Spratt
Stark
Stearns
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—71

Ackerman
Bean
Berkley
Blumenauer
Bono Mack
Boyda (KS)
Brown, Corrine
Burton (IN)
Cantor
Chandler
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCaul (TX)
McCrery
Moran (VA)
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Stupak
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

□ 1913

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution 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. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 43, 44, and 45.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, Tuesday, February 12, 2008, I was absent from the House due to travel complications.

Had I been present I would have voted:

On rollcall No. 43—"yes"—H. Res. 954, honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008;

On rollcall No. 44—"yes"—H. Res. 909, 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;

On rollcall No. 45—"yes"—H. Con. Res. 281, celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

□ 1915

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

Mr. STARK. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 975

Resolved, That the House has heard with profound sorrow of the death of the Honorable Tom Lantos, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

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

Mr. STARK. Madam Speaker, I ask unanimous consent that my distinguished colleague from California (Mr. DREIER) have half of my time to manage.

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

There was no objection.

Mr. STARK. Madam Speaker, I yield 1 minute to the Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for the formal notification of the Congress that he presented earlier to the House of Representatives, and thank him for bringing us this opportunity to express our sadness over the passing of our colleague, TOM LANTOS.

Madam Speaker and my colleagues, yesterday morning when I received the very sad news of Chairman LANTOS's passing, that call was followed very quickly by a call from the President of the United States expressing to me as Speaker, but through me to each and every one of you, his sadness over TOM's passing and his words of praise for TOM LANTOS's leadership. I told the President how appreciative I knew we would all be of his kind words and that I would convey them to this House of Representatives.

Madam Speaker, you know that the House, not only the House, the Congress, the country, has lost one of its most talented leaders, and the world, indeed the world, has lost one of its greatest champions for human rights with the passing of Chairman TOM LANTOS. He was a statesman, he was a gentleman, and he will be deeply missed.

As the only Holocaust survivor ever elected to Congress, TOM LANTOS devoted his public life to shining a bright light on the dark corners of oppression. From his earliest days in the House, when he founded with Congressman JON PORTER the Congressional Human Rights Caucus, to his final days as

chairman of the Foreign Affairs Committee, he used his powerful voice to stir the consciousness of world leaders and the public alike.

Because he had lost his mother and so much of his family in the Holocaust, his wife, Annette, his two daughters, Annette and Katrina, his grandchildren and great grandchildren were the center of his universe.

Madam Speaker, I told some of our colleagues earlier that TOM and Annette were a team in every way. Whether it was establishing the Human Rights Caucus or working together for the benefit of his district and our country, they were a team. And all who knew TOM knew how devoted he was to his family and to Annette, whom he adored. They worked as a team, bringing great intellect, experience, and compassion to their outstanding work in public service.

Annette was alone after the Holocaust as well, and when they married, they had two daughters, Annette and Katrina, who produced this wonderful family of 18 grandchildren. Two daughters, 18 grandchildren. They said to their parents, you lost your families in the Holocaust. We are bringing to you a new family. And how proud TOM was for all of that.

Having lived the worst evil known to mankind, TOM LANTOS translated his experience into a lifetime commitment to the fight against anti-Semitism, for Holocaust education, and commitment to the State of Israel.

TOM LANTOS was not only a champion of human rights. He was an expert on foreign affairs and diplomacy and the security of our country. He had a rare combination of extraordinary knowledge, great wisdom, extraordinary skill and judgment, and a great moral compass.

He rallied us to the cause of defending basic human freedom within the borders of the most powerful countries and in the most remote places in the world. He stood tall in the sometimes lonely fight for the people of China and Tibet. I was proud that we had the opportunity to work together, with the President of the United States in a bipartisan way, to honor the people of Tibet by presenting the Congressional Gold Medal to the Dalai Lama last year. TOM, along with Congresswoman ROS-LEHTINEN, were coauthors of that legislation. Thank you, Congresswoman ROS-LEHTINEN.

He fought to end the genocide in Darfur and recently helped enact legislation to crack down on the Sudanese regime. He worked to strengthen sanctions against the military junta in Burma and worked for the release of Aung San Suu Kyi. In just his first year as chairman of the Foreign Affairs Committee, Congressman LANTOS also helped enact the 9/11 Commission recommendations to better protect the American people.

Throughout his three decades in the House, TOM LANTOS always used his experience and intellect to empower the powerless and give voice to the voiceless throughout the world.

Here at home, TOM LANTOS championed working families. Working families had no better friend in the Congress of the United States than TOM LANTOS, and he was a strong leader in protecting our family for the future.

He also authored key provisions of our landmark energy bill, which the President signed into law. Thanks to TOM LANTOS, that law includes provisions that will help the United States assume a greater leadership role in the world to fight climate change.

He will long be remembered for his efforts to expand and protect the Golden Gate National Recreation Area, which is one of the Nation's most visited national parks and a treasure for Bay Area residents. I had the privilege of serving with TOM as we shared representation of the City of San Francisco, and it was one of the privileges of my service in Congress, to work with him on behalf of the people of San Francisco.

Congressman LANTOS was also well known for his strong support of infrastructure improvements, including the expansion of BART service and other mass transit solutions. Though his leadership was felt around the world, he always remained a fierce advocate for his constituents in the 12th Congressional District.

TOM LANTOS called himself ''an American by choice.'' America is a stronger nation, a more caring nation, a nation more true to its founding ideals, because TOM LANTOS chose to call this land his home.

My thoughts and prayers are with Annette, dear Annette, their daughters Katrina and Annette, his 18 grandchildren, and his great grandchildren. I hope it is a comfort to them that so many people throughout the entire world mourn their loss and are praying for them in this sad time.

Good-bye, TOM, my friend. It was an honor to call you colleague, a privilege to serve with you, and a joy to be your friend.

Mr. STARK. Madam Speaker, TOM will be remembered as a passionate advocate for human rights around the world and a strong voice for better schools and a cleaner environment. The obituaries and my colleagues tonight will fill in many details and have much praise for the wonderful job that TOM did in his period here. I just tried to pick out a few things that he will be remembered for.

As the Speaker mentioned, he worked to give a voice to the voiceless in Burma, Tibet, wherever oppression raised its ugly head. In Congress, as in life, he was a doer, a leader, a fighter. Two years ago, TOM was arrested in front of the Sudanese Embassy for protesting the genocide in Darfur.

He swam every morning at 5:30 until recently. He was a man who enjoyed and lived life to its fullest.

As has been mentioned, he is survived by a large and wonderful family he loved, and they loved him. Without saying, our sympathy goes to TOM's wife and childhood sweetheart, Annette, their two daughters, Annette and Katrina, and their many grandchildren and great grandchildren.

To appreciate, I guess, all that TOM accomplished, we ought to think a little bit about his life before joining us here in Congress. He grew up in Hungary and survived Nazi labor camps. He arrived in the United States in 1947 on an academic scholarship. And at Customs, you think it is a problem to take off your shoes now, at customs he was greeted and they immediately confiscated his only possession, a Hungarian salami. So they were as thorough then as they are now.

He married Annette in 1950, and he also received bachelor's and master's degrees in economics and then moved on to San Francisco. He received those at the University of Washington in Seattle. He moved to San Francisco and began a 30-year career teaching economics at San Francisco State. In 1953, he received a Ph.D. in economics from the University of California at Berkeley.

TOM was elected in 1980. Three years later he cofounded the Congressional Human Rights Caucus.

Last month, he announced to us that he had been diagnosed with cancer and would not seek reelection. In that announcement he said, and I quote him here, ''I will never be able to express fully my profoundly felt gratitude to this great country.''

Similarly, this House and our country will never be able to fully express our gratitude for TOM's decades of service. He will be missed by his colleagues, constituents, family, and the people whose basic human rights he fought for every day.

Madam Speaker, I ask unanimous consent that the balance of my time be controlled by the gentleman from California (Mr. BERMAN).

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

There was no objection.

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

Madam Speaker, as is very evident, this is a sad day and evening for the House of Representatives, and, of course, the Lantos family, and for all of the American people and all who are lovers of freedom.

''Tom Lantos devoted his life to shining a bright light on dark corners of oppression.'' That was a quote from Speaker PELOSI in her official statement in responding to the tragic news of TOM's passing.

I am going to quote Speaker PELOSI once again, Madam Speaker. ''Tom Lantos devoted his life to shining a bright light on dark corners of oppression.''

We have heard that TOM LANTOS is the lone survivor of the Holocaust to ever serve in the Congress of the United States. We know of his tremendous accomplishments. We know the

fact that 58 years ago this coming July he and Annette were married. And we know that he had an absolutely wonderful family.

His two daughters did provide those 18 grandchildren and two great grandchildren, and I have to say that I personally have had the opportunity to spend time with all of them. The reason is that I am one of Annette and TOM's neighbors here on Capitol Hill, and we always knew when the Lantos household was filled over at Justice Court, because kids were running around all over that area, and it was such a wonderful thing.

When I heard the Speaker say today what TOM's daughters said to him, the fact that he lost his family in the Holocaust would lead them to provide him with a family that he no longer had, obviously they did. I have known of no parent or grandparent to be prouder of their children and grandchildren than Annette and TOM LANTOS have been of their wonderful family, and having heard Speaker PELOSI's words, I now have an even greater understanding of the importance of the role that Annette and Katrina played in providing them with that family.

□ 1930

We got the news I read this morning in the paper that just last week the Prime Minister of Hungary was scheduled to present TOM with the highest honor that Hungary bestows on anyone; and, sadly, he was too ill to receive that honor. But we know that TOM regularly described himself as one who was born Hungarian, but was American by choice; and I think that underscores the extraordinary importance of immigration and the great importance of what it is that has made the United States of America as great as it is.

One of the things, I am the first Republican to stand up but I am going to be turning this over to the distinguished ranking member on the Committee on Foreign Affairs in just a few minutes, but as the first Republican to stand up, I have to say that one of the greatest things about TOM LANTOS is that he regularly transcended political party. He was known for the wonderful working relationship that he had with the former chairman of his committee who, as we all know, passed away sadly last year, our colleague Henry Hyde.

And I regularly, as a member of the Rules Committee, had the opportunity to see Henry Hyde and TOM LANTOS come together, arm in arm, working together on behalf of a very positive foreign policy for the United States. Now, don't get me wrong, there were more than a couple of occasions, especially in the last couple of years, where there was disagreement between Henry Hyde and TOM LANTOS. But time and time again, both men demonstrated their extraordinary patriotism and their commitment to the greatness of the United States of America.

On January 2, just last month, our friend TOM announced that he would not be running for reelection. Of course, he had gotten the news of his illness. And in that statement announcing his retirement, Madam Speaker, he said, ''It is only in the United States that a penniless survivor of the Holocaust and fighter in the anti-Nazi underground could have received an education, raised a family, and had the privilege of serving the last three decades of his life as a Member of the United States Congress. I will never be able to express fully my profoundly felt gratitude to this great country.''

Madam Speaker, one of the things that I regularly say about the United States of America, and I think like most of the people who are here in this Chamber at this moment, we were born here; and people who were born here can have a tendency to take the greatness of the United States of America for granted. But I will say that TOM LANTOS demonstrated fully, through every single aspect of his life, the profound appreciation that an immigrant has for something that many of us who are native born have a tendency to take for granted. And I regularly fight against that, and seeing someone like TOM LANTOS has played a big role in inspiring me. And I know there are other great immigrants who serve in this Congress and obviously in this country as well. And I think that his life underscores that.

As I look over and see our distinguished majority leader, Mr. HOYER, I am reminded of the great work that he did on the Helsinki Commission and, as has been stated on the issues that Mr. STARK raised, environment and other issues. But when it came to fighting on behalf of human rights, in 1983 Annette Lantos became the volunteer director of the Human Rights Caucus because of her extraordinary commitment to that cause. And, obviously, it was led by TOM through these so many years.

And I will just say that for me, personally, I was elected with TOM in November of 1980, 28 years ago this coming November; and this is a professional loss, but obviously for so many of us, a very profound personal loss. And I want to say to all of the family members how much I have appreciated the friendship. Our thoughts and prayers are with them. And the world is a better place, the world clearly is a better place for the life of TOM LANTOS.

Madam Speaker, I reserve the balance of my time, and ask unanimous consent that my colleague from Florida (Ms. ROS-LEHTINEN) be able to manage the balance of our time.

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

There was no objection.

Mr. BERMAN. Madam Speaker, I am pleased and honored to yield to our majority leader 1 minute.

Mr. HOYER. I thank my friend for yielding. This is a sad day not only for this institution, for those of us who were TOM's friends, clearly for his family, but it is a sad day for our country. TOM LANTOS had a backbone of steel and a heart of commitment, compassion, and courage.

DAVID DREIER just mentioned my service on the Helsinki Commission. As chairman of that body for the House, with my friend CHRIS SMITH, we shared responsibility for focusing on the human rights of people, particularly within the European theater and particularly in the Soviet Union, and we worked very hard at that. But no Member of this body has been a stronger voice, a more compelling voice for the rights of individuals, whatever their background, wherever they lived, and whatever the excuse was for acting against them or undermining their rights. When TOM spoke, especially on matters dealing with human rights, America's role in the world, the importance of confronting and defeating dictatorial regimes, both the left and right, his words contained a moral clarity and intellectual gravity that was seldom matched.

Those of us who had an opportunity to be with TOM when we met with people from around the world knew that TOM LANTOS would be candid, diplomatic, but certain in his message. TOM, quite simply, was a man of great substance, an immigrant to America, like so many immigrants before him and after, but few matching his contribution to our great country.

Speaker PELOSI indicated that TOM referred to himself as an American by choice. He was a great humanitarian. His remarkable life serves as an inspiration to all of us, to his family, and to his country. He was an indomitable spirit. His life story of course is well known, and I will not repeat it here. Others will talk more specifically.

Last month, TOM was unable to attend the United Nations Annual Commemoration of the Holocaust. However, his daughter Katrina, married to one of our colleagues, Dick Swett, delivered his remarks, which called on the international community to, and I quote, ''dedicate ourselves to stopping current tragedies such as the genocide in Darfur, and to preventing such inhuman cruelty in the future.''

Tens of thousands, hundreds of thousands, millions around this globe have lost an extraordinary voice for them, individually and collectively.

TOM went on to note that the ''veneer of civilization is paper thin.'' That is a lesson for all of us. We know that the mob can be uncaring of human rights, of individuals. TOM LANTOS focused on that issue when he said that that veneer is very thin. JOHN LEWIS, another great humanitarian and champion of individual rights and civil liberties. He went on to say, ''We are its guardians, and we can never rest.'' Not only did he say that, but he lived his life without rest for those he saw beleaguered.

Until his last day on this Earth, TOM LANTOS never rested because of what he had seen and experienced. He was an indefatigable advocate for human

rights and human decency. And now with his passing it falls to us to honor his enduring legacy, not just by speaking on this floor of what he did, but committing ourselves to continue his advocacy for liberty and human rights.

There is no more fitting tribute to this wonderful man who lived a wonderful life marked by hardship, tragedy, and also triumph, and who now is at rest in God's hands.

Madam Speaker, I especially want to speak of Annette. You cannot speak of TOM LANTOS without speaking of Annette. I don't know of any couple that I have ever met that was in fact, as well as in marriage-ceremony verbiage, two people who became one, kindred spirits born of equal experience, equally committed with a passion and a courage and an untiring commitment on behalf of those who needed a voice. Annette is with us still and, therefore, TOM is with us still. May we honor him, remember him, and hold high the torch that he held so high, so successfully for so long.

God bless you, TOM LANTOS.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

As we gather in this hallowed place to honor the life and work of our beloved colleague, TOM LANTOS, our sorrow at news of his death is tempered by our admiration for his extraordinary contributions to our great country. An unfailingly gracious and courageous man, TOM was recognized by colleagues as a leader who left an enviable legacy of service to our country. We were fortunate indeed to have known him. Annette and the entire Lantos family have our heartfelt condolences.

TOM and Annette's heroic journey to America through extraordinary adversity is well known to us all and is the topic perhaps for a future biographer who can adequately capture the tenor of life under the oppressive yolk of fascism during those terrible times more than half a century ago.

TOM's unsurpassed work as a champion of human rights and for human dignity cannot be separated from his fiery trials through which he passed as a young man.

His life bears witness to the endurance of the human spirit. As a colleague, TOM enjoyed the respect of his peers across the political spectrum, because all of us admired him as an ardent American patriot.

During our many meetings together, when we met with foreign leaders here and abroad, his love of country was always evident. He understood an old truth that all of us would do well to relearn: united we stand, and divided we fall.

To be sure, TOM could be a vehement critic of an administration policy during House debate. But he would not hesitate to remind a visiting group of European parliamentarians to temper their criticism of U.S. policy or risk being labeled as hypocrites for their feeble resistance to genocide at Auschwitz or at modern-day death camps in Sudan.

His defense of the national security policies would surprise and perhaps rankle some, but not those of us who knew TOM as an unbeatable foe of Communist tyranny.

All of us here tonight have so many stories to share about TOM, about his life with Annette, and his vital work; and we will surely honor him in the months ahead in other appropriate ways. It is fitting, though, that we honor the life of this great patriot, for it was his work and his life that enriched us. So tonight, rather than merely mourn his passing, let us thank God that TOM lived among us and left such a strong legacy for us to follow.

I often said to TOM before our committee hearings that it was a great testament to a wonderful Nation that two naturalized citizens, witnesses to the evils of communism and oppression, would serve as chairman and ranking member of the committee charged with developing and overseeing our foreign policy efforts. And I cannot fully explain to TOM and his family my deep gratitude to TOM for his service and for his dedication.

And, Annette, our prayers are with you and your family. And how odd to say, as Mr. HOYER pointed out, how odd to say ''Annette'' without saying ''Tom and Annette,'' for they were a unit. Thank you, TOM. Godspeed, my friend.

I reserve the balance of my time.

□ 1945

Mr. BERMAN. Madam Speaker, I am pleased to recognize for 2 minutes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, it is with a heavy heart that I rise today in support of this resolution. Like all of my colleagues, I was deeply saddened to learn that our good friend, the distinguished gentleman from California, TOM LANTOS, had passed away. And he was our good friend, unfailingly courteous and kind and helpful to all.

TOM has left an inspiring legacy, and his passing is a great loss to our country and to the entire world. Throughout his life, TOM devoted himself to human rights and to the cause of persecuted racial, religious, and ethnic minorities. As a survivor of the Holocaust, and the only survivor ever to serve in Congress, he had seen firsthand real evil, and he became a tireless advocate for human rights.

As a youth, he was a member of the anti-Nazi underground, and his life's work was built on opposing anti-Semitism and all forms of racism and oppression and attempted genocide, and on supporting Israel, the country that emerged as the haven for the survivors and refugees from the Holocaust.

Congressman LANTOS once said, ''I will never be able to express fully my profoundly felt gratitude to this great country.'' But it is this Nation that will never be able to express adequately its gratitude to this great man. His life and devotion to human rights should serve as an inspiration to us all.

My thoughts and prayers, our thoughts and prayers, and those of a grateful Nation, are with Annette and with the rest of TOM's family and friends during this sad time. And in this hour of bereavement, as we mourn the loss of this great man, what can we finally say other than to thank God for TOM's life and work, and to repeat that ancient refrain, ''The Lord giveth, the Lord taketh away, blessed be the name of the Lord.''

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), a member of our Foreign Affairs Committee, and someone who worked so closely with Chairman LANTOS on human rights issues worldwide.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank my good friend and colleague from Florida for her yielding and for her very eloquent remarks, and for all of the fine statements that have been made on behalf of Chairman TOM LANTOS.

Madam Speaker, as I think we all know, Chairman LANTOS was one of the most gifted, articulate, smart, persuasive, and compassionate, and, I would add, courageous Members of Congress ever to serve. Over the years, I, like so many other colleagues here in this Chamber, got to know and deeply respect and honor this great man. We traded places as chairman and ranking member of the International Human Rights Subcommittee and worked seamlessly on North Korea, Sudan, human trafficking, child labor, Jewish Refusniks, and China, just to name a few of the very difficult issues that were confronted.

In the 1980s, Mr. LANTOS played a significant role in dismantling atheistic communism in Eastern Europe, including his native Hungary, as well as in the Soviet Union.

A Holocaust survivor, TOM LANTOS had a special, well-focused empathy for those who suffered torture, degrading, or inhumane treatment. He was especially vocal and determined when it came to liberating political prisoners, and was a champion on behalf of the Dalai Lama and Burma's Aung San Suu Kyi.

TOM LANTOS was bold and he was incisive with both friend and foe alike, more often I am happy to say with the latter. In confronting dictatorship, he refused to allow the banalities and excessive niceties of modern-day diplomacy to obscure his clear and compelling message concerning freedom, democracy, and human rights.

On the issue of anti-Semitism, he had no equal. In the days immediately prior to the infamous September 11 attacks on America, TOM LANTOS brilliantly defended both the United States and Israel at the U.N. racism conference held in Durban, South Africa, a

world conference that deteriorated into an anti-Semitic hatefest. His insights and recommendations are of particular importance and relevance as the United Nations gears up for what is likely to be Durban II.

He wrote at the time, ''For me, having experienced the horrors of the Holocaust firsthand, this was the most sickening and unabashed display of hate for Jews I have seen since the Nazi period.''

He went on, however, in a positive vein to say, ''The U.S. must urge friendly Middle Eastern countries to recognize the link between hatemongering and violence. Arab states, meanwhile, need to look deeply within themselves, analyze their missteps, cease the inflammatory lies, and embrace the path of openness and political reform, realizing their citizens' positive energy.''

He went on to say, ''We cannot defeat terrorism if our coalition partners continue to peddle the hate that breeds it.

''The Cold War ended with the collapse of international communism, but in the resulting vacuum, radical forces bent on spreading fundamentalist ideologies have arisen, propelled by the very globalization developments they often sustain. The U.N. World Conference on Racism provided the world with a glimpse into the abyss of international hate, discrimination, and indeed, racism. The terrorist attacks on September 11 demonstrated the evil such hate can spawn. If we are to prevail in our war against terrorism, we must take to heart the lessons of Durban.''

Vintage TOM LANTOS, and as always, a man who was almost like a prophet, speaking boldly, incisively, and with great clarity. Finally, I want to say, Madam Speaker, that my wife, Marie, and I will deeply miss our dear friend TOM LANTOS, and our prayers are with and for Annette and his family at this most difficult period of time.

Mr. BERMAN. Madam Speaker, I recognize for 2½ minutes TOM's colleague, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank my colleague for yielding.

Madam Speaker, and to all of the Members of the House, I rise this evening with a sad heart. The first thing I want to say is to offer my special condolences to Annette Lantos, the love of TOM's life, actually as has been said earlier this morning, childhood sweethearts, to his two exceptional daughters, to his son-in-laws, 18 grandchildren and two great grandchildren.

I have known TOM LANTOS for many decades, long before I came to the House of Representatives. And I remember that November of 1980 where I think he was the only Democrat that won in challenging a Republican. It was a real upset in the 12th Congressional District. And so tonight I am thinking about the people of the 12th Congressional District because they not only handed him a victory, he never forgot it, and he used his public service to fulfill the great responsibility and the charge that they gave to him.

Our congressional districts are next door to one another. TOM always said that he stood between the Speaker and myself because his congressional district was between ours.

TOM LANTOS was truly a gentleman. He was a gentleman with old world manners. He was a scholar. He taught economics. When he spoke, everyone knew he was scholarly, and so the old term ''a scholar and a gentleman'' really belonged to TOM.

He was an immigrant, and I think, during these times when immigrants are not fully appreciated, that TOM LANTOS should remind us of what comes to this country in terms of immigrants. He came here, as he said, penniless, but he came here and brought his hopes and aspirations. Who would have thought when TOM LANTOS came through Customs and the Immigration Service that he would one day come to the House of Representatives and, in the day after he died, that all of these accolades that he so is deserving of would be said about him.

A poet wrote, ''And so he passed on, and then all the trumpets sounded on the other side.'' God rest your soul, TOM. Thank you for what you have given to America and thank you for what you did in the House of Representatives. Thank you for what you did for the people of the 12th Congressional District. We are forever grateful.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT) to share her thoughts about our beloved friend, TOM LANTOS.

Mrs. BIGGERT. Madam Speaker, I thank the gentlelady for yielding to me.

Madam Speaker, I rise today to say good-bye to a good man and a cherished colleague. Chairman LANTOS was one of those most respected and distinguished Members of the U.S. House of Representatives, and he will be missed.

During his 14 terms in this body, he championed the causes of people everywhere who face oppression and cruelty. Through his leadership of both the Foreign Affairs Committee and the Human Rights Caucus, he guided U.S. policy with morality and integrity.

As I listened to Ms. ESHOO, she used the same words as I would say of him. He was truly a gentleman, one of those rare breeds of old world statesmen who brings clarity and respect to our national debate. And while he was indeed an accomplished speaker, Chairman LANTOS inspired not only by his words but by his own personal story. I think we will all remember him standing here in this Chamber, straight rail posture, and saying ''after you, my dear,'' always the gentleman.

From his tragic experiences in the Nazi camps to his rise in Congress, he showed how one truly remarkable individual can overcome the worst sort of tyranny and achieve great things.

So to Chairman LANTOS's wife and daughters and grandchildren and great grandchildren, I send my thoughts and prayers. We can all take comfort in the fact that he had a full life with a legacy that will never be forgotten.

Mr. BERMAN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished chief deputy whip.

Mr. LEWIS of Georgia. Madam Speaker, I rise with a heavy heart to pay tribute to our friend and colleague, TOM LANTOS, this good and decent man, an American by choice, but a citizen of the world. He was a warrior for human rights, a warrior for justice and fairness. He spoke up and he spoke out for people around the world.

Madam Speaker, the world community has lost a powerful voice for human rights and for human dignity.

How do you honor a man? How do you pay tribute to a man like TOM LANTOS? We could name buildings, streets, schools, post offices, but the best way for us to honor TOM LANTOS is to pick up where he left off, continue to fight for human rights, continue to fight for peace, continue to build a world community at peace with itself.

TOM, thank you for all you did to make us all free. We will miss you my friend, my colleague, my brother.

□ 2000

Ms. ROS-LEHTINEN. Madam Speaker, I yield as much time as he may consume to the ranking member of the Armed Services Committee, Mr. HUNTER, a member of the California delegation who worked so closely with Chairman LANTOS on a range of issues.

Mr. HUNTER. Madam Speaker, I can't match the eloquent statements about TOM that have been made by my colleagues; but I thought I might share just a few thoughts that came to my mind, not only today, but every day that I saw TOM LANTOS.

First, he was a guy of extreme competence. And if you wanted to get to the heart of a matter quickly, and you wanted to probe a situation in foreign affairs quickly, or a matter of national policy, and you had a national leader, international leader in front of you, and TOM LANTOS was asking questions, he did a great cross-examination. And he brought the facts out very quickly. But, you know, lots of people can do that.

There were some special qualities that TOM LANTOS had that reflected and illuminated his life and always impressed me every time I saw him. One was his great dignity. He walked in dignity. And it wasn't a pride; it wasn't an egotistical thing. It was a respect for his fellow man that emanated from him and seemed to illuminate the room when he walked in, and when he took his place, and when he asked questions, and when he worked on these important issues of the day.

He was a man of great principle. And, Madam Speaker, I think that it must surprise many folks who watch this, watch the leadership in this Nation, and look at this Capitol, look at this body, in this city, where so much talent is focused on powerful national interests, that we have leaders like TOM LANTOS, perhaps the finest leaders, the ones with the greatest talents, who focus those talents not on powerful interests or the protection of those interests, but, in fact, on the interests of those who have no station, who have no money, and in many cases have no hope.

And I think that's a great trademark of this Nation and certain special leaders, like TOM LANTOS, that gives us, gives this country respect from those around the world, not just people who live in places of power or who occupy places of power in foreign governments, but all those around the world who look at this American forum here, this forum of leadership and governance in Washington, DC, and who saw people like TOM LANTOS, perhaps tough to figure out in many ways, but when it got right down to it, they understood that in this country, the dignity, the value of human beings is still very central to this wonderful country that we call America.

So it's with a lot of sadness that I see TOM LANTOS, a guy who came in the same year I came in, in 1980, along with Mr. DREIER, leave us. And I just hope that we all look at that model now and again when we have tough and difficult times, because the last great quality that TOM LANTOS had was conciliation. And you could have fierce fights on issues, and yet he had that wonderful quality of being able to reconcile with his adversaries and find common ground in the next great issue that was before you.

Mr. BERMAN. Madam Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, I want to say a word about my friend, TOM LANTOS. I had the opportunity to travel with TOM, and I served with him some 20 years here. Believe me, a giant of a man has fallen. As grief stricken as we are here, we need to know that throughout the world tonight there are people who were touched by TOM LANTOS in many ways whose hearts are broken.

And to his beloved Annette, and to his daughters and family that he loved so much, we give our great condolences and our love forever.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2 minutes to TOM's colleague from California, and the subcommittee chair on the House Foreign Affairs Committee, Congressman BRAD SHERMAN.

Mr. SHERMAN. Madam Speaker, we're all deeply saddened by the passing of TOM LANTOS. He not only made history here in Washington; he embodied history, having survived the Holocaust. And he didn't just survive the Nazis; he fought them in the anti-Nazi underground during World War II. His personal history added to the gravitas of everything he said and everything he did here in Washington. TOM was our Nation's most passionate, eloquent, and respected advocate for human rights, for democracy and for freedom. TOM never bowed to political pressure in the face of any humanitarian atrocity.

As our friend, GARY ACKERMAN, pointed out, in a town with too many sheep, TOM LANTOS was a lion, for Darfur, for Tibet, wherever human rights were trampled. And of course TOM LANTOS led the walk out in 2001 from the Durban South Africa U.N. conference when that conference degenerated into an anti-Semitic hatefest.

Madam Speaker, I came here as a tax professional expecting to serve on the Ways and Means Committee someday. And when that day arrived, TOM LANTOS convinced me to stay involved instead on the Foreign Affairs Committee. He convinced me with his words, but more than that he convinced me with his example. He was courteous, gracious, beyond what you expect; but more than that, he was passionate and he was eloquent. And he was an example of what it is to be a great advocate for human rights here in Congress. He will indeed be missed, not only by Annette and the entire LANTOS family, but also by people around the world.

Ms. ROS-LEHTINEN. Madam Speaker, we will continue to reserve for two more speakers, and then we'll recognize Mr. SHAYS.

Mr. BERMAN. I am very pleased to yield 2 minutes, Madam Speaker, to the gentlelady from California, TOM's colleague from California, LOIS CAPPS.

Mrs. CAPPS. Madam Speaker, what a privilege it is to join my colleagues today in paying tribute to our fellow Californian, the Honorable TOM LANTOS, who so wonderfully represented his constituents during his three decades in Congress.

As we know now, TOM LANTOS' journey from Hungary to the Halls of Congress was an extremely remarkable one. His life told the story of the fulfillment of the American Dream. He embodied that dream and, equally important, he knew not to take what America offered him for granted.

Even as he rose to leadership, he continued to champion the cause of human rights for oppressed people around the world, his signature issue. He was fiercely loyal to those attributes of this Nation, which had attracted him here to the country he chose to become a citizen of.

Who of us will forget TOM LANTOS' first action, becoming chairman of the Foreign Relations Committee, holding some of his first hearings as chairman to address the human rights violations occurring today in Darfur?

By never forgetting his own roots, he became an advocate for all the lessons of humanity that we needed to learn from the experiences of the Holocaust, never forgetting that he served here as one who had survived that terrible tragedy and dedicated, as he was, to seeing that it would never reoccur.

He made sure that we all knew, and such a lesson I have, that those who do not learn from history are doomed to repeat it.

I learned so much from my colleague, TOM LANTOS. I can just see him sitting in his regular spot there. So our heartfelt condolences are extended to Annette, to the children, to the 18 grandchildren, one of whom I had the privilege of hearing as she testified to our Health Subcommittee. Beautiful opera singer. TOM was so proud of her. Courageous enough to talk about her rare health condition.

We celebrate his life tonight dedicated to our commitment to not letting his many achievements go unforgotten.

Mr. BERMAN. Madam Speaker, I yield 2½ minutes to another colleague of TOM's from California, the gentlelady from California, BARBARA LEE.

Ms. LEE. Madam Speaker, I rise this evening to honor the courageous life of our dear friend and colleague, Chairman TOM LANTOS.

I am deeply saddened by the loss of Chairman LANTOS, and I would like to first offer my deepest condolences to Annette, his family, friends and staff, and of course California's 12th Congressional District.

And I have to thank Mrs. Lantos and TOM's entire family for sharing this great human being with the entire world.

Chairman LANTOS was an exceptional human being, and we're hearing much of this tonight. But I've always said, To know him was to love him.

His life embodied the true meaning of courage and the power of the human spirit. As the sole member of his family to survive the Holocaust, Chairman LANTOS made it his life's mission, and we all know it was his life's mission, to fight for the oppressed.

Throughout his years in Congress he fought tirelessly to ensure human rights issues always had an important and visible place within these Halls. And as the founder of the Congressional Human Rights Caucus, he continually reminded us that combating injustice anywhere and everywhere in the world was not only the right thing to do, but it was our duty as elected representatives of the people.

I had the privilege to work alongside this giant of a human being on so many issues. As a former member of the Foreign Affairs Committee for 8 years, we worked together on a number of issues that we both cared passionately about, including legislation to combat the global HIV/AIDS pandemic, to end the genocide in Darfur, to address the needs of orphans and vulnerable children, and, of course, to end the occupation of Iraq.

And I will always remember the respect, and his wisdom and his insight and his guidance, as he helped me navigate the legislative process with the late Chairman Henry Hyde on the HIV/AIDS legislation. I imagine that they are, at this moment, renewing their wonderful friendship.

I will also miss our personal conversations, especially about his grandchildren, my grandchildren, his great grandchildren. He knew all of their names, and he knew all of their birth dates.

Also, we have to remember TOM loved animals; his deceased Gigi and of course now Chippy. I mean, it was amazing that this giant of a human being was such a gentle man.

I know that we must rededicate ourselves to TOM's life. His spirit is in us, and I will miss him. I will miss his love. May he rest in peace.

What a gentleman.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to Mr. SHAYS from Connecticut, a former member of our Peace Corps, who served, along with his wife, a good team, just like TOM and Annette, and who shared TOM's faith in the human spirit, and a fighter for human rights as well.

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Mr. SHAYS. Madam Speaker, as a new Member of Congress, TOM LANTOS took me under his wings. He was my chairman of the Labor and Health Subcommittee of the Government Reform Committee, and I was one of its most active members. I got to know this man up close, and I know no one like him.

TOM LANTOS adored his wife, Annette, his two magnificent daughters, Annette and Katrina, and all of his glorious grandchildren and now great-grandchildren. He simply adored them all.

A Holocaust survivor, TOM LANTOS could not be intimidated by anyone. He was brilliant, passionate, courageous, tough almost to the point, let's face it, of being brutal, but he was also kind, gentle, loving, and lots of fun. He had a great sense of humor.

TOM was the most eloquent person I have ever known. It was hard sometimes not to feel inadequate in his presence, but the fact is, he would never have wanted you to feel that way. He would always make me feel like the best was always ahead of me and that I should think big thoughts.

He was a natural teacher. He taught by example and by the questions he asked, and he expected you to grow and to be a better person. That was your duty. And your duty, also, was to be of service to others.

It is no secret that TOM and Annette were both, are both, very strong-willed people. I marvel at how they were able to be such a powerful team and raise such a truly unbelievable, fantastic, magnificent family. They were, and are, an awesome couple.

TOM LANTOS loved America. And yes TOM LANTOS adored his wife, Annette. He adored his two daughters, Annette and Katrina, adored his grandchildren, adored his great-grandchildren. And you could be his friend if you were willing to listen to him talk about all of his loved ones.

But woe be to any man that sought to marry his daughters or his granddaughters. They were mere mortals. He expected more for his daughters and granddaughters.

I would say his son-in-laws, his grandson-in-laws, are very brave souls. Can you imagine going up to TOM and saying, ''I would like to marry your daughter''? That would take true courage.

Now, granddaughters-in-law were another story. They were deemed worthy. He embraced them immediately.

I hope, I truly hope and pray Congress finds a way to immortalize this great man in important legislation that will forever bear his name. We have Pell grants, and Fulbright Scholars. Those are names that I have heard almost all of my life. TOM LANTOS deserves to have this kind of recognition.

TOM LANTOS believed in smart power for this country. He advocated a strong military, wise diplomacy, and strategic use of economic power. But TOM wasn't just a great man of this Nation. He was a great man in this world.

Let me say it slightly differently. He is a great man of this Nation. He is a great man of this world. His light will be forever and we cannot forget him.

Ms. ROS-LEHTINEN. Madam Speaker, this side has no further requests for time, and I would like to offer our remaining time to the gentleman from California (Mr. BERMAN).

The SPEAKER pro tempore. Without objection, the gentleman from California will control the balance of the time.

There was no objection.

Mr. BERMAN. I thank the gentlewoman very much for doing that and appreciate her and all the comments of our colleagues from that side of the aisle. I think they were a fitting tribute to TOM and his bipartisan approach to foreign affairs and to issues that go far beyond party divisions.

I am pleased to yield 2½ minutes to another of TOM's colleagues from California and the House Foreign Affairs Committee, Ambassador DIANE WATSON.

Ms. WATSON. Madam Speaker, I want to add my remarks to those of my colleagues, but I have got some personal things to tell you.

Yes, he had that compassionate spirit. His unwavering concern for individual human rights and his deep knowledge of the world were an inspiration to us all. I remember when my predecessor passed away, I got a call at my embassy saying that if you should come to Congress, there is a place on Foreign Affairs for you. I hadn't even said I was going to come. Well, the results were I did.

I sit with honor among my colleagues on Foreign Affairs. I had the privilege to be trained at the State Department twice with his son-in-law, one of those rare specimens of humanity that he allowed to marry Katrina, his daughter. And I said to TOM after Katrina in Louisiana, ''I'm so sorry that Katrina has to go around through life after this terrible, terrible hurricane and present herself as 'Katrina.' ''

He said, ''She's strong like I am. She can survive.''

But I knew that when he called on me to lead the delegation to Italy, something that he looked forward to every year to continue our dialogue with Great Britain, I knew something was not right, but that proud, distinguished, tall-standing human being never uttered a word. And so I kind of knew something was up.

When I got back, I said to him, ''Thank you for the honor of going to Portofino and leading the group in your place.'' He said, ''Ambassador, you deserve that,'' and never said another word.

Then he called us together and he said, ''Travel, learn what is happening around this globe.'' And that is what we are doing. We are carrying on his legacy by learning the world, knowing it the way he did.

We will certainly miss this giant of a human being.

Mr. BERMAN. Madam Speaker, I now yield 2 minutes to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, with the death of Congressman TOM LANTOS, the world lost an inspiring leader who dedicated his life to religious freedom and human rights.

Now, it has been noted that TOM was the only Holocaust survivor to serve in Congress, and I think it's important to note that with the sun setting on this generation of Americans, he will very likely remain the only Holocaust survivor to have served here.

His leadership and guidance served as the moral conscience of America's commitment to protecting human rights. He lived the concept of ''never again,'' and he stood against persecution all over the globe.

For me, I would like to get a little bit personal myself. As a newer Member of Congress, I can tell you that since I got here, TOM LANTOS always made me feel like my grandfather was looking out for me. He always had a word of encouragement, always made me feel good about myself. If I felt a little shaky, I could turn to TOM, and he would tell me, ''Honey, it's okay. Go out and just do your best. You are going to do great.'' He would always offer those words of encouragement. So that was really an incredible feeling to have that kind of support.

As a young Jewish American, I can tell you that we all believed that Representative LANTOS served as a role model for what we want public service to be. His dedication to lifting up oppressed people throughout the world

serves as our personal inspiration. And I know that his service was a tremendous source of pride for the Jewish community across this country and for his constituents.

I, and countless others, feel a deep sense of loss in his passing, but we take solace in the knowledge that the world is a better place because of this great individual.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman representing the State that TOM had such close connections to, the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Madam Speaker, it was with great sadness that I learned of TOM LANTOS' passing yesterday. As our colleague and our friend, we knew him to be a man of incredible courage and strength, a man who had overcome unimaginable adversity to serve as a voice for justice against the dark forces of human evil.

TOM was born to Jewish parents in Hungary. He was 16 when Hitler's army marched in to occupy his birth country in 1944, and he tragically lost much of his family in the Holocaust. TOM courageously escaped from forced labor camps not once, but twice.

Here in Congress, he rose to the chairmanship of the Foreign Relations Committee with the unique perspective and the power of real moral authority. Promoting human rights for all is a part of his lasting legacy. Those who follow TOM LANTOS in that cause have a high bar to match.

TOM and his beloved wife, Annette, were blessed with a wonderful and extraordinarily talented family, including my dear friend, his daughter, Dr. Katrina Swett, TOM's son-in-law, Ambassador Dick Swett, our former colleague who held the seat I now hold. They and their family are my neighbors in my home State of New Hampshire. TOM was a frequent visitor to the Granite State, a remarkably devoted father, mentor, grandfather, and great-grandfather. He was a patriarch in the best sense of the word, and on behalf of all of New Hampshire's citizens, we mourn TOM's passing as one of our own.

I am honored to have served with such a remarkable and accomplished individual. He was the first Member of Congress to welcome me when I arrived. He was an inspiration to me.

My thoughts and prayers are with his family during this time. I know they will take solace in the lasting legacy that their beloved husband, father, grandfather, and great-grandfather left us.

He showed us that even in the darkest corners of the human experience, one strong, clear voice, one irrepressible beacon of light can stand as an unwavering candle whose flame will never go out.

Thank you, TOM.

Mr. BERMAN. Madam Speaker, I yield 2½ minutes to the gentlelady 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. Madam Speaker, so many of us have risen and expressed how heavy our heart is tonight. Those of us who served on the Foreign Affairs Committee with the late Chairman TOM LANTOS see every day, as we come into that room, his regalness, his royalty, but yet his humbleness. We also get to see the family, his wonderful staff, and his lovely and solid friend, bride, wife, and enormously important person, his wife, Annette.

I got to see them working together. I saw TOM's passion in the committee room. He was not afraid of hard issues, and I am so proud to have been able to have joined him as a member of his Human Rights Caucus and to serve in his absence on a number of occasions when we talked about the abuse of children around the world or the abuse and the violence against women around the world.

TOM was a fighter. We know that as the only Holocaust victim and survivor to have come to this place. He talked unwavering about human rights and the standing up against despots, and he never feared in doing so. The Human Rights Caucus became part of him. When you saw TOM walking, you knew he exuded a fight for human rights.

He also was concerned that we continue to fight in this Congress against oppressive regimes. So even though there are advocates for China and Russia, Burma, and certainly there is constant opposition from the Sudanese Government, he never wavered on Darfur. You heard someone say he was even arrested.

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I've been proud to stand with him on these fights.

He led the fight to end wartime sex slavery by the military; another resolution recognizing the massacre of Armenians by the Ottoman Empire as genocide; and, yes, he held hearings condemning Internet giant Yahoo's complicity with Chinese oppression of dissidents. And I tell you, he didn't worry about whether that was a constituent; he only worried about human rights.

Thank you, TOM, for letting us know your family. I met his daughter, Katrina, and Dick in New Hampshire. What a wonderful spirit they had. I am certainly saddened by his loss, but the fighter he was should live in us.

TOM, rest in peace. May God bless you. We fight on with you.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 975, "expressing the condolences of the House of Representatives on the death of the Honorable Tom Lantos," and to express my profound sadness upon the passing of my extremely distinguished colleague.

Madam Speaker, it is with deep sadness that I mourn the passing of my colleague Congressman TOM LANTOS. Chairman LANTOS was an extraordinary leader, a man who demonstrated, by his life, that one individual truly can make a difference. As the only Holocaust survivor ever to serve in Congress, Congressman LANTOS brought a moral voice to Washington, and he relentlessly drew U.S. attention to those suffering throughout the world. It has been my extreme honor and privilege to serve on the Committee on Foreign Affairs, under Chairman LANTOS' leadership.

Since he was elected to Congress in 1981, Congressman LANTOS has used his position in Congress to combat violations of fundamental human rights. Almost immediately following his election, Congressman LANTOS established the Congressional Human Rights Caucus, which, for over two decades, has focused congressional attention on struggles against oppressive regimes and human suffering across the globe, including in China, Russia, Burma, and Darfur. I have been proud to stand beside him, as a member of the Congressional Human Rights Caucus, and I know my colleagues share my commitment to ensuring that his work here in Washington continues.

As a fierce advocate of human rights, he continually pressed the Bush administration to take steps to prevent the state-sanctioned massacre and rape of hundreds of thousands of people in Sudan's Darfur region. On April 28, 2006, I was honored to stand side by side with Congressman LANTOS and protest the role of the Sudanese Government in carrying out genocide in the Darfur conflict.

As chairman of the Committee on Foreign Affairs, Congressman LANTOS did not shy away from controversial issues. Under his leadership, the committee passed a resolution calling on the Japanese Government to end wartime sex slavery by its military, and another resolution recognizing the massacre of Armenians by the Ottoman Empire as genocide. He has brought landmark anti-trafficking legislation before the committee, held hearings condemning internet giant Yahoo!'s complicity with the Chinese suppression of dissidents, and, tomorrow, the committee is scheduled to consider a groundbreaking reauthorization of the PEPFAR global AIDS relief program.

Congressman LANTOS was a truly courageous man, and a true leader for our Nation. His legacy is best expressed in his own words, "It is only in the United States that a penniless survivor of the Holocaust . . . could have received an education, raised a family and had the privilege of serving the last three decades of his life as a Member of Congress. I will never be able to express fully my profoundly felt gratitude to this great country."

I offer my condolences to the family of Congressman LANTOS: his wife Annette; his two daughters, Annette and Katrina, and 18 grandchildren and 2 great-grandchildren. I also join with other Members of Congress in mourning the passing of an extraordinary person, leader and colleague.

Thank you, Madam Speaker. I urge my colleagues to join me in supporting this resolution, and in recognizing our distinguished colleague.

REP. TOM LANTOS (D-CA) DIES

Rep. Tom Lantos (D-CA), an important voice for Tibetan freedom, died today at the age of 80. He had served 14 terms in the U.S. House of Representatives.

Born into a Jewish family in Budapest, Hungary, he twice escaped from a forced labor camp in Szob during the Nazi occupation of his country. The second time, he was sheltered by Swedish diplomat Raoul Wallenberg. After the Soviet army liberated Hungary, he discovered that his parents and

most of his family had been killed during the occupation.

The only Holocaust survivor ever to serve in Congress, Rep. Lantos was chairman of the United States House Committee on Foreign Affairs. He was also co-chairman and founder of the Congressional Human Rights Caucus, a group dedicated to raising awareness about human rights violations around the world.

Rep. Lantos was a tireless supporter of the Tibetan independence movement and His Holiness the Dalai Lama. His contributions are too numerous to count, so I'll point you to one of the most recent: his speech in San Francisco for the 2007 Tibetan Uprising Day. He also joined Richard Gere and Robert A.F. Thurman in talking about his friendship with and admiration for His Holiness as part of A&E Biography's 1997 documentary Dalai Lama: Soul of Tibet. In addition, Rep. Lantos was the driving force behind the awarding of the Congressional Gold Medal to His Holiness last year. When the House of Representatives ultimately voted to give His Holiness the honor, he said:

''In his quiet but persistent way, His Holiness the Dalai Lama has devoted his life to asserting the Tibetan people's rights, lifting their spirits and upholding their dignity. By his humble personal example, through his prolific writings and in his addresses to audiences in every corner of the earth, the Dalai Lama has provided exceptional service to humankind. Such a vast contribution to the betterment of our world deserves special recognition and support. After nearly three decades of friendship with His Holiness, I am deeply honored and proud to have rallied my colleagues to award him the Congressional Gold Medal. We can now look forward to the day when he once again meets with members of Congress—this time to stand before us all to receive this unique and well-earned honor.''

Mr. BERMAN. I am pleased to recognize my friend and colleague from Tennessee, Mr. STEVE COHEN, for 2 minutes.

Mr. COHEN. ''Tom,'' as he would insist on being called, was a special person. I'm a freshman, and he befriended me in my first year.

Back, I think it was last January, there was an article in The Hill, and it described my apartment. And my apartment was described as spartan, and that's probably effusive. And we had a Judiciary Committee meeting with Justice Pryor and Justice Alito, I think there were just six or seven or eight of us there, and I choose to go to that meeting rather than the Yom HaShoah program at Statuary Hall. And I felt bad about that because I had attended all those programs in Tennessee and felt strong about the Holocaust. And I rushed up here at the end and I saw Mr. LANTOS and I went up and I said, Mr. LANTOS, I'm sorry, I missed the meeting. He said, First of all, it is TOM. And I said, Well, okay, TOM. And I said, I went to this Judiciary meeting and I made a mistake; I should have come here, I know. And he said, No, you didn't; you did the right thing going where you belonged. You belonged in committee. You can go again next year. And then I walked away and he stopped me and said, And by the way, I read about you in The Hill. If you need some help with interior decorating, you give me a call.

He was a special person. He had a wonderful sense of humor. And when I had problems with bills and votes that I didn't feel comfortable with, I would go to him; and he was grounded and helped me with them, just as he did Congresswoman WASSERMAN SCHULTZ.

America has lost a great leader, and I feel like I have lost a member of my family. I am fortunate to have known him. JOHN LEWIS and TOM LANTOS are the two saints of Congress; we've lost one, we have another.

Mr. BERMAN. I am pleased to recognize the gentleman from Missouri, Mr. RUSS CARNAHAN, for 2 minutes.

Mr. CARNAHAN. Madam Chairman, my deepest condolences to the Lantos family. Thank you for sharing him to perform his remarkable public service here.

It is, indeed, an honor and a privilege to have known TOM and Annette Lantos, a remarkable American success story, a remarkable American love story.

I first met Mr. LANTOS as a new Member after the 2004 elections and was awed by him. His life story and internationally renowned fierce voice for human rights everywhere will continue to lead and inspire us for years to come.

I am truly indebted to TOM LANTOS for his gentlemanly demeanor and generous time and advice for me as a new Member of this House and on his Foreign Affairs Committee. His giving nature, keen intellect, and passionate advocacy were part of the decency in what is right about this House of Representatives.

Mr. Chairman, TOM, we will miss you, but not soon forget you.

Mr. BERMAN. Madam Speaker, I am very pleased to yield to TOM's good friend, chairman of the Asia Subcommittee of House Foreign Affairs Committee, ENI FALEOMAVAEGA from American Samoa, 2 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I thank my good friend, the gentleman from California, our chairman-to-be of the House Foreign Affairs Committee, and also my good friend and distinguished ranking member of our committee, the gentlelady from Florida (Ms. ROS-LEHTINEN).

Madam Speaker, I, too, would like to express my most profound sorrow and to extend my sympathies to Chairman LANTOS' dear wife, Annette, and their two daughters and 18 grandchildren.

It is my privilege to participate in this Special Order and pay special tribute to our colleague and chairman of the House Foreign Affairs Committee, the gentleman from California, Congressman TOM LANTOS.

Without equal, Madam Speaker, Chairman LANTOS was a champion and advocate throughout the world for the basic rights and dignity and decency of all human beings, regardless of race, color, gender, or religious affiliations. TOM LANTOS truly believed that in this troubled world of ours there is only one race, and that is the human race.

I am without words in how I can best describe the life of this giant among men. And in this Chamber of Congress, there is no word or phrase more dear to TOM's heart than that of ''human rights.'' And forever I will remember him as a teacher and a mentor whenever the subject of human rights is being debated or under discussion in this institution.

As others have said earlier, Chairman LANTOS would not have had it any other way other than for us to continue the fight and to advocate for human rights whenever necessary, and for that matter, also to defend freedom and democracy throughout the world. We have a saying in the islands, Madam Speaker, to my friend TOM LANTOS, ''Ia manuia lau faiga malaga''; may you have a great voyage in the afterlife, my friend, Chairman TOM LANTOS.

Mr. BERMAN. Madam Speaker, I yield myself 3 minutes.

The SPEAKER pro tempore. The gentleman is recognized for the balance of the time.

Mr. BERMAN. I thank the Speaker.

A great deal has been said about TOM LANTOS this evening, wonderful, eloquent words that captured just the profound effect that he had on this institution. Many serve in this institution. Some leave a mark on their districts of their presence here; some leave a lasting mark on the institution. It's hard for me to think of anyone who left such a mark around the world as Chairman LANTOS did in so many different areas.

You read that statement that DAVID DREIER read earlier, and I'm going to read it again because it captures his love of this country. He and Annette, they were the greatest Americans because they knew what the alternative had been, and they paid back with their work and with their gratitude what America offered them.

This is TOM LANTOS' words after he is diagnosed with a very advanced stage of esophageal cancer, ''It is only in the United States that a penniless survivor of the Holocaust and a fighter in the anti-Nazi underground could have received an education, raised a family, and had the privilege of serving the last three decades of his life as a Member of Congress. I will never be able to express fully my profoundly felt gratitude to this great country.''

He not only loved America; he hated tyranny and oppression. And I served with TOM on the committee for 26 of his 28 years in the Congress, and that anger and hostility and willingness to fight against dictatorship and tyranny covered the dictatorships of the communist regimes, and it covered the dictatorships and the oppression of the rightwing authoritarian regimes. He wasn't one side or the other; he was against tyranny for human rights. Stood firm.

It's very easy for us to attack forces that have no direct impacts on our district; it doesn't take that much courage to do that. TOM LANTOS, notwithstanding what some company in his

district might be making in terms of sales to a particularly oppressive country, stood firm and constantly dealt with the pressures coming back from his own constituents about our livelihood, our jobs, because he couldn't tolerate the notion that, in effect, American companies, American individual interests, American corporate interests were giving governments around the world the tools of that repression.

In closing, I just want to tell one story. It was a profound experience for me, I'll never forget. I had the opportunity to see TOM a few weeks ago at his home here in Washington with Annette, with Katrina, with their granddaughter and with a baby grandson, which, by the way, was one part of what gave him his strength was this unbelievable family structure. And he looked much better than he had looked in his last few weeks here, and he talked about being at peace. Yes, he would have loved to have been able to be here a few years longer, but for him, he felt what a wonderful life he had had, what a wonderful family, what a country, the colleagues. He was at peace with what awaited him. And there was a serenity and a strength there that just was stunning to me. I'll never forget it.

To the family, to Annette, our prayers are with you. And you know that the work he did, the lives he affected around the world, his presence will be maintained long after his passing.

Mrs. DAVIS of California. Madam Speaker, we have lost a dear friend and colleague in the House of Representatives. The world has also lost a great humanitarian.

As the only Member of Congress to survive the Holocaust, Congressman LANTOS had a deep understanding of the value of freedom and the need to pursue human rights around the globe. He brought life experiences to his work that nobody else could.

On a personal note, I was extremely saddened when I heard the news of his passing. After arriving back in Washington today and seeing the flags at half mast, it set in that he won't be with us any longer.

I will miss him.

He was always very gracious during my conversations and dealings with him. I would listen closely when he spoke because what he had to say was always important. I urge my colleagues to honor Chairman LANTOS' memory and fight for human rights and justice around the world with the same passion that he did.

Mrs. MALONEY of New York. Madam Speaker, yesterday, the United States Congress lost a dear friend, a true humanitarian, and a real statesman, Chairman TOM LANTOS of California.

I extend my deepest sympathies to TOM's dedicated wife Annette, his daughters Annette and Katrina, and to his many grandchildren and great-grandchildren. We are thinking of them during this difficult time and hope they will find solace in knowing that their husband, father, and grandfather was a true hero and role model for so many of the people he touched.

Chairman LANTOS was unrelenting in his lifelong commitment to defending the oppressed. He decisively chose to serve his fellow human beings, often at great personal risk to himself. After escaping from Nazi labor camps in World War II, young TOM fought in the underground Nazi resistance and continued to fight for justice. His ability to triumph through tragedy is truly inspirational.

TOM embodied the American dream. In the summer of 1947, TOM was awarded a scholarship to study in the United States. He arrived in New York City with no money and only a Hungarian salami which was quickly seized by U.S. customs officials. With his incredible persistence and deep intellect, he soon earned his Ph.D. in economics from the University of California, Berkeley. TOM was always thankful for the opportunities given to him by the United States and America is blessed to have had such a loyal citizen and distinguished leader.

Continuing his dedication to others, TOM served the American public and people of the world as an exemplary Member of Congress. He founded the Congressional Human Rights Caucus and most recently served as Chairman of the House Foreign Affairs Committee. Standing by his convictions, TOM was arrested at the Embassy of Sudan for protesting human rights violations in Darfur. As a result of this brave action, the President renewed his call for a stronger international presence in Darfur. TOM continually defended those too often ignored by the international community. People of the world are indebted to him for his strong leadership in promoting human rights.

I am honored to have served in Congress with Congressman LANTOS and to have worked together on significant legislation defending the international human rights of women. His support was paramount to the achievement of many gains for women's human rights.

Together, we were able to provide direct assistance to advance the status of women in Afghanistan. We also collaborated on landmark legislation to stop human trafficking. I am deeply grateful for his commitment to the women of the world.

Chairman TOM LANTOS will always be remembered with respect and gratitude. He consistently gave voice to the voiceless and was their champion. His legacy of upholding human dignity will continue to inspire future generations of Americans.

Mr. AL GREEN of Texas. Madam Speaker, it is with great sadness that I mourn the passing, and commemorate the courageous life, of my dear friend and colleague, Congressman TOM LANTOS of California.

Congressman LANTOS began a lifetime of passionate work for human rights as a young man when he escaped a forced labor brigade to join an underground resistance movement against the Nazis in his home country of Hungary. A Jewish survivor of the Holocaust, he was just a teenager when he undertook this important work, which began over 60 years of efforts to fight for human rights across the world.

Congressman LANTOS' life of work on behalf of human rights culminated with over two decades of service in Congress, where he never failed to champion causes that he felt were just. In 1983, Congressman LANTOS became a founding co-chair of the Congressional Human Rights Caucus, a caucus on which he served for the remainder of his life. Under Congressman LANTOS' leadership, this caucus was on the forefront of efforts to protect women's and children's rights, to free political prisoners, to preserve religious freedom and to halt ethnic cleansing.

In recent years, Congressman LANTOS directed his focus to ending the ongoing genocide in the Darfur region of Sudan, which has already claimed the lives of over 400,000 people. In 2006, he was among a group of 11 individuals who were arrested for committing civil disobedience outside the Sudanese Embassy in protest of the genocide. I can only say that it was an honor to follow in this wonderful man's footsteps by doing the same thing myself a few short weeks later.

Beginning last year, when Congressman LANTOS became Chairman of the House Foreign Affairs Committee, he brought the crisis in Darfur and the recent violent crackdown on democracy activists in Burma to the forefront. It also must be noted that, under Chairman LANTOS' leadership, the Foreign Affairs Committee finally began long-overdue oversight of the war in Iraq.

Congressman LANTOS' inspiring leadership will be sorely missed, not only in this Congress, but by people around the world. I wish to send my deepest condolences to Congressman LANTOS' friends, family and constituents for the loss of this irreplaceable man of good will.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I come to say good-bye to a beloved colleague and friend.

The sudden news of Chairman TOM LANTOS' passing has left those who had the privilege to know him without adequate words to express our grief.

My thoughts and prayers go out to his caring wife Annette and to his family. I wish them strength and clarity during this difficult time.

TOM's life and accomplishments reached far beyond his contributions as a legislator.

Many words have been written about TOM's experiences as a youth in Nazi occupied Europe. But none of us will ever be able to speak here with the same level of experience and understanding that he had when referring to genocide, suffering, the suppression of human rights, and the denial of human dignity.

TOM carried a personal sense of responsibility to fight for those who cannot always speak for themselves: the underprivileged, the subjugated, the oppressed. It was evident in his words and actions, in every piece of legislation he crafted, and in every hand he warmly shook.

His convictions were never more evident than in his work to establish the Congressional Human Rights Caucus. He founded the Caucus to focus attention on human rights abuses around the world. Not only did he work to raise awareness and increase the scrutiny of abusive practices around the globe, he worked to stop heinous acts against our fellow women and men and to bring peaceful solutions to the conflicts that led to such atrocities.

His unwavering optimism and prudent leadership will be missed.

My words cannot satisfactorily articulate the loss that his death brings to me, the House of Representatives, and to the Nation he loved and served.

Mrs. TAUSCHER. Madam Speaker, TOM LANTOS was one of the kindest, most sincere people I have ever met. It was both an honor and a pleasure to serve the people of the Bay Area with a man of his integrity. His belief in universal human rights for every man, woman

and child defined his career in Congress as well as how he lived his life. America is honored that TOM LANTOS chose to be a citizen of our great democracy, and the world is a better place because he fought to make it so. His passing is a loss to the Congress, the Bay Area, and the United States, and everyone who believes in fairness and equality. My thoughts are with his wife Annette and his entire family at this very sad time.

Mr. HONDA. Madam Speaker, I rise today to honor the memory of Congressman TOM LANTOS.

It was with great sorrow that I learned of the passing of my esteemed colleague.

When I asked TOM LANTOS for his support in defending a group of women who the Japanese Army forced into prostitution during World War II, I knew that if anyone would understand the pain of war, it would be him. For Congressman LANTOS, human rights violations were not just an abstraction. He saw his family decimated by the Nazis during the same war. He himself had suffered through the horrors of a labor camp.

After surviving the horrors of the Holocaust, Congressman LANTOS dedicated his life to advocating for the rights of others. He spoke for those who had no voice through his tireless advocacy as the founder of the Congressional Human Rights Caucus and the chairman of the Committee on Foreign Affairs.

A fellow member of the Bay Area delegation, Congressman LANTOS has been a mentor to me. His thirst for justice and advocacy of progressive ideals will live on in all those he inspired during his fruitful life.

Congressman LANTOS will be missed by everyone who had the privilege of working with him. I send my deepest condolences to his family, and echo his wife Annette's comments that her husband's life was ''defined by courage, optimism, and unwavering dedication to his principles and his family.'' TOM LANTOS will forever remain a role model and inspiration to me.

I will miss him dearly.

Ms. MCCOLLUM of Minnesota. Madam Speaker, it is with tremendous sadness that we mourn the passing of Chairman TOM LANTOS—an inspiring colleague and an outspoken champion for human rights around the world. His passing will leave an enormous void in the U.S. House of Representatives, where he has served for 28 years and was admired and respected for his strength, leadership and unwavering commitment to democracy and freedom.

It was my honor to serve for 4 years as a member of the House International Relations Committee in which Representative LANTOS was my ranking member. He was a mentor and strong leader as a Democrat and as an American. I will miss TOM as a colleague and a friend.

I extend my heartfelt prayers and condolences to TOM's wife, Annette, who was his constant companion and an inspiration in her own right, along with their two children, seventeen grandchildren and two great-grandchildren.

The U.S. House of Representatives and the United States of America have lost a hero, and he will be sorrowfully missed.

Mr. LAHOOD. Madam Speaker, I rise today to pay tribute to our friend and colleague, the gentleman from California, TOM LANTOS.

Our Nation has lost a true leader, and the world has lost its foremost champion of human rights. While involved in many different issues throughout his illustrious career, it is TOM LANTOS' work on behalf of suffering people throughout the world that best exemplifies the type of man he was.

Born on February 1, 1928 in Budapest to Jewish parents, TOM LANTOS faced unspeakable horror early in his life. He escaped a Nazi forced labor camp twice, the second time thankfully finding himself under the protection of Raoul Wallenberg, likely saving his life. He later learned that his parents and much of his family perished at the hands of the Nazis.

As the only survivor of the Holocaust serving in the House, he understood, in a way no one else could, the type of suffering man can inflict upon others. He was the founder and co-chairman of the Congressional Human Rights Caucus, and truly was a leader in standing up for the smallest and weakest in our global community. No injustice escaped his attention, no matter what corner of the world was involved, and he would fight doggedly to right any wrongs.

He earned an academic scholarship that brought him to the United States, where he earned his bachelor's, master's and eventually doctorate degrees and entered the world of academia, before he decided to enter the political arena, serving 14 terms here in the House. He rose through the ranks to become the distinguished chairman of the House Foreign Affairs Committee, a position that allowed him to continue his battle for the common man who might otherwise not have a voice.

I was fortunate to have the opportunity to travel with him and his wife Annette on a trip to South Korea, Cambodia, and Vietnam in January, 2001, hosted by then-Minority Leader Gephardt. I am proud to call him not only my colleague, but also my friend.

I join with all of my colleagues in extending our thoughts and prayers to TOM's bride of almost 58 years, Annette, his two daughters, his 17 grandchildren and two great-grandchildren. He will truly be missed.

Mr. CARDOZA. Madam Speaker, it is with great sadness that I rise today to speak on the passing of an esteemed colleague and a true friend, former Congressman TOM LANTOS.

TOM's dedication, passion, and fervent commitment to human rights will be deeply missed by our Nation and, indeed, around the world. As the only Holocaust survivor ever elected to Congress, TOM fought every day to give voice to the voiceless and make true our commitment to the words ''never again.'' Only 16 when he was rounded up in his native Hungary by the Nazis where he saw most of his family perish, TOM was a living embodiment to the ideals of courage and human rights.

First elected to Congress in 1980 after a distinguished career in academia, TOM was a tireless advocate on behalf of his constituents and a fine public servant. Representing parts of San Francisco as well as his hometown, San Mateo, TOM zealously represented the interests of his District and, speaking as a Member of the California delegation, I was proud to serve with him and call him friend.

While TOM had a remarkable career of over a quarter of a century in Congress, it was his last year as chairman of his beloved House Foreign Affairs Committee that he seemed to relish the most. From that perch, he was able to advance the cause of human rights and to shine a light on long ignored parts of the globe.

TOM is survived by his loving wife Annette, by his two daughters, Annette and Katrina; by 17 grandchildren and 2 great-grandchildren. Our thoughts and prayers are with his family.

Ms. HARMAN. Madam Speaker, maybe because I, too, lost many family members in the Holocaust, I felt a special affinity for TOM LANTOS. His story was an integral part of him. I was moved every time he described himself as the only Holocaust survivor in Congress. And so were many others.

TOM was eloquent, passionate, insightful, elegant—and fierce in his advocacy. His questions of witnesses before his committee could be withering. He had a point of view and was unblinking in his efforts to communicate it.

In personal terms, TOM was a lovely human being—devoted to Annette, his daughters and that enormous crowd of grandchildren and great-grandchildren. But he was also devoted to his colleagues, this institution, to our country, and to achieving peace in the Middle East.

At a time of such entrenched partisanship—which he deplored—we desperately need more, not fewer, Toms. Sadly, that is not likely to happen.

I shall miss him terribly.

Shalom, haver.

Mr. BACA. Madam Speaker, I ask for unanimous consent to address the House for one minute.

I rise today to remember a respected colleague, and to celebrate a life filled with courage, love, and service.

With the passing of Representative TOM LANTOS yesterday, this body and this country lost a champion for human rights and life everywhere.

A quick look at Representative LANTOS' life shows us what a remarkable man he really was.

Born in Hungary, he fought in the underground struggle against the Nazis in Europe and twice escaped from labor camps as a teenager.

Later, as the only Holocaust survivor to ever serve in Congress, he used this experience to work against the forces of oppression, intolerance, and genocide.

Representative LANTOS was also known as a dedicated family man. He and his dear wife Annette were usually inseparable—and all of my colleagues in the House knew of his dedication to his 17 grandchildren.

So let us take this time to recognize and mourn our dear friend Representative TOM LANTOS—a fierce defender of human rights, and true leader who worked to improve the world for both the free and oppressed alike.

The thoughts and prayers of Barbara and I are with his family, friends, and constituents at this difficult time.

Ms. HIRONO. Madam Speaker, I rise today to join my colleagues in honoring the legacy of human rights champion LANTOS TAMÁS PETÉR and expressing great sympathy on the passing of this great American.

As a member of the freshman class of the 110th Congress, TOM LANTOS was certainly a colleague that I admired and looked toward for guidance. I am especially glad that under our new majority he was able to serve as Chairman of the Foreign Affairs Committee, a post that he held with distinction. There was an air about him, of European old-worldliness and charm, that I will never forget. It was a great honor to have served with a man of such character and integrity.

TOM is famously quoted as saying that he was an ''American by choice.'' And how only in this country, could ''a penniless survivor of the Holocaust and a fighter in the anti-Nazi underground . . . have received an education, raised a family and had the privilege of serving the last three decades of his life as a member of Congress.'' As a naturalized U.S. citizen myself, I hope to give back to this Nation as much as TOM did in his many years of public service.

I would like to extend my deepest condolences to TOM's beloved wife, Annette Tillemann Lantos, his daughters Annette Tillemann-Dick and Katrina Swett, his 18 grandchildren, and his 2 great-grandchildren. Thank you for sharing TOM with us and with the world. His example of courage and integrity will continue to inspire us.

Mr. WILSON of South Carolina. Madam Speaker, yesterday morning a friend and colleague, Representative TOM LANTOS, passed away.

Throughout his life, Congressman LANTOS fought for liberty. As a young man in Hungary during World War II, he opposed the spread of Nazi fascism and survived the Holocaust. During his 27 years in Congress, Congressman LANTOS earned a reputation as a leader for human rights and democracy around the world—in particular as the Ranking Member and the Chairman of the House Foreign Affairs Committee.

I had the privilege of working with Chairman LANTOS as a fellow member of the House Foreign Affairs Committee. Together, we were able to strengthen the partnerships between the United States and nations throughout the world. Chairman LANTOS brought an unmoving optimism to both his life and his career that served himself and his adopted nation of America well.

TOM LANTOS was a beloved and respected member of the House of Representatives, and he will be dearly missed. During this difficult time, our thoughts and prayers are with his wife, Annette, their two daughters, and his entire family and friends.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time and thank my colleagues.

The SPEAKER pro tempore. All time for debate has expired.

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3521, PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules (during consideration of H. Res. 975), submitted a privileged report (Rept. No. 110–524) on the resolution (H. Res. 974) providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

Ms. SLAUGHTER, from the Committee on Rules (during consideration of H. Res. 975), submitted a privileged report (Rept. No. 110–525) on the resolution (H. Res. 976) providing for consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days, which was referred to the House Calendar and ordered to be printed.

IRAN STILL LIVES IN THE STONE AGE

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

Mr. POE. Madam Speaker, the Iranian Government still lives in the Stone Age. Two Iranian sisters will be stoned to death after a court convicted them of adultery. One sister's husband was upset that he and his wife didn't get along, so he planted a video camera in their home while he was away. A videotape showed the two sisters in the company of other men, but did not show either woman engaged in a sexual act.

The husband turned the videotape over to the adultery police to prosecute the women. These two sisters were tried twice for this so-called crime. The first trial resulted in a conviction, and the women were convicted of illegal relations. Each sister received 99 lashes. But it gets worse: a second trial convicted the two sisters of adultery and they were sentenced to death.

Last year, Jafar Kiani was stoned to death for alleged adultery. Now these two sisters are next in line for the savage rock throwing. Doesn't anyone think lashing and stoning is a bit severe for adultery? I guess the Iranian Government has never heard of cruel and unusual punishment. And where is the outcry from the world of women's rights groups when they are needed to protest these acts from the Stone Age?

And that's just the way it is.

□ 2045

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. BALDWIN). 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 SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

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

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

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

REMEMBERING AND HONORING THE VICTIMS OF THE SHOOTING AT KIRKWOOD CITY HALL

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

Mr. CARNAHAN. Madam Speaker, I rise tonight on a sad occasion in the loss of loved ones in the Kirkwood, Missouri, community, part of which I represent and part of which is represented by my colleague Representative AKIN of St. Louis County, and tonight we want to talk about that incident.

This close-knit community of Kirkwood, Missouri, struggles this week over the loss of loved ones. The wounded, especially Mayor Mike Swoboda, who remains hospitalized, and the chill to public servants and citizens from the violence in Kirkwood City Hall at the level of democratic government closest to the people.

I saw firsthand last Friday night at the Kirkwood community's candlelight vigil the way this community has come together through this tragedy, uplifted by ordinary people performing extraordinary acts of heroism, caring, and love. The hearts and prayers of all Missouri and the Nation go out to the families now grieving.

First, our obligation is to care for the wounded and honor the lost, who were lost while on duty in the high calling of public service. We lost two city council members, Councilwoman Connie Karr and Councilman Michael Lynch; two police officers, Officer Tom Ballman and Officer William Biggs; and Public Works Director Kenneth Yost.

We search our hearts and minds to understand what went wrong that terrible day this past week, to honor their public service, and to learn from this breakdown in the public square. Rightly, we come together to let them know they are not alone in their suffering. We know each and every one of them found purpose in life helping others and as public servants in the public good. One person, Dick Reeves, posted a comment on the St. Louis Post Dispatch site that impressed me and it summed up how to deal with this tragedy. He said, ''If something positive comes out of this horrific tragedy, please let it be that in the memory of these good people, each and every one of us dedicates ourselves to treating our elected officials and each other at home, work, school, play, and while driving with respect, decency, and kindness. We can do it. Let our actions be their monument.''

And I would like to yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I rise today to recognize a great tragedy that occurred in Kirkwood, Missouri, in my

district this last Thursday. On what seemed to be a typical night in what has long been considered an almost idyllic community, Charles Lee Thornton shot and killed Police Sergeant William Biggs outside of the Kirkwood City Hall.

After entering City Hall, Mr. Thornton then shot and killed four dedicated civil servants and severely wounded the mayor before he himself was shot and killed by responding Kirkwood police officers.

Today, Kirkwood Mayor Mike Swoboda continues to struggle for his life.

Those killed in the City Hall were Police Officer Tom Ballman, Councilwoman Connie Karr, Councilman Mike Lynch, and Public Works Director Kenneth Yost. Kenneth Yost had served in that position for 35 years.

As Kirkwood and surrounding communities lay to rest officers and public servants, one cannot help but be moved by the deep sense of faith expressed by the family and friends they have left behind. What has also become so clear is the deep commitment that these individuals had for their community.

With that service in mind, I would like to refer to Matthew 20:28, which states: ''Among you, whoever wants to be great must be your servant, and whoever wants to be first must be the willing servant of all, like the Son of Man; He did not come to be served but to serve and to give up his life as a ransom for many.''

OH WHERE, OH WHERE CAN THE PHANTOM AIR BASE BE?

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

Mr. POE. Oh where, oh where has the American air base gone? Oh where or where can it be? With its 6,000 phantom troops and 32 million missing dollars, oh where, oh where can it be?

Madam Speaker, let me explain. Corruption has struck again, and just like times in the past, it's at the taxpayers' expense.

Government investigators recently uncovered the newest scam in contracting. This time it's a phantom air base in Iraq, purchased by the U.S. taxpayers at the tune of $32 million.

Madam Speaker, here it is, or here it's supposed to be. This is a photograph of the location in Iraq where the air base is, or where it was supposed to be built. But you can see that there is nothing to see because it was never built.

Last month the Inspector General at the Defense Department released a report about money spent to help train and equip Iraqi military and police forces. The contracting project in question was awarded to Ellis Environmental Group, a U.S. company based out of Florida, in 2006. The U.S. Air Force paid the company $32 million for this project, this air base in Iraq. The construction contract would have involved the creation of barracks and offices for 6,000 Iraqi troops in Ramadi, the capital of the Anbar province.

But the project had to be abandoned before anything was ever built when the Iraqi Defense Ministry failed to obtain this desert land for the base.

So what happened to the $32 million the Air Force doled out to Ellis Environmental? The alarming answer is no one knows. And the company won't say.

An Air Force spokesman says the contractor set up a camp for construction workers and began design work for the headquarters before the project was halted. But nothing was ever built. All we know now is that none of the $32 million the U.S. paid out to these contractors was returned to U.S. taxpayers. The Air Force is set to begin an audit of the project, but no one knows how long that's going to take.

The Inspector General report documents more abuses. And USA Today Matt Keller, reporter, said the findings show ''the military didn't keep adequate records of equipment for the Iraqis ranging from generators and garage trucks to thousands of guns and grenade launchers. Separately, the United States has launched a criminal investigation into allegations that weapons it bought for the Iraqi soldiers ended up in the hands of insurgent and terrorist groups.''

Madam Speaker, this ought not to be.

In the meantime, Ellis Environmental Group has changed its name.

If a crime has been committed, these outlaws responsible need to be held accountable. Madam Speaker, war profiteers that make money off of war by building ''phantom'' military bases like this one should be prosecuted. This type of conduct fits the definition of war crimes. Maybe we should build a real prison for war criminals out in this desert in the sands of Iraq to house thieves that steal American money.

So, Madam Speaker, oh where, oh where has the American base gone? Oh where, oh where can it be? With its 6,000 phantom troops and 32 million missing dollars, it's where, oh where no one can see.

And that's just the way it is.

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

(Mr. YARMUTH 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.)

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

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

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

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

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

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

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

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

FISA

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

Mr. DANIEL E. LUNGREN of California. Well, here we go again, Mr. Speaker. As Yogi Berra once put it, ''This is like deja vu all over again.''

When the Director of National Intelligence, Admiral McConnell, came to the Congress for help, he was only given a 180-day authority to conduct surveillance which he described at the time as necessary to close our ''critical intelligence gaps.'' Of course, that authority expired on February 1, and the 2-week extension of the Protect America Act expires this Friday. Now, while the Democratic majority's so-called RESTORE Act passed by this body recognized the need to defend our Nation beyond 180 days, it would also have repealed core provisions requested by Admiral McConnell, and it also contained a sunset date approximately 2 years from now. While the other body has just passed this evening a 6-year extension of the new FISA bill, it remains to be seen how this will be reconciled with the RESTORE Act passed by this body.

It is certainly my hope that this body will affirm the bipartisan agreement reached by the Senate this evening. It is in concert with the outline of a bill supported by 21 Members of the majority side in a letter they sent to the Speaker just several weeks ago. In my estimation, there is no issue of greater importance to our Nation at

the present time. The surveillance of foreign terrorists is critical to our ability to protect our homeland and to assure the safety of the American people. The other body has risen to this challenge by passing legislation that may not be perfect but which does respond to the basic concerns laid out by Admiral McConnell.

Yet, according to press accounts I've seen, some have suggested that the expiration of the Protect America Act wouldn't be that consequential because they say it would not interfere with surveillance which has already begun. Well, let me suggest that even if that were the case, it completely ignores the impact on new terrorist communications which may arise. For instance, if we get word on Saturday, February 16, that an al Qaeda member in Kandahar is on the line with someone in Munich on a call that travels through a New York switch, this is a conversation which should be of interest to us. The point is, if the Protect America Act is allowed to expire, the bill in the Senate is not passed, this terrorist communication may not be intercepted.

I would add that we have had plenty of time to view this issue. We have had plenty of discussion on the relevant committees, and now the bipartisan bill that passed the other body is available for us to act upon.

What must the rest of the world, much less the terrorists who seek to kill us, think of the national security policy that we have displayed of fits and starts? This hardly resembles the actions of a super power determined to protect its citizens from such an ominous outcome. The only hope that we can have is that such indecision perhaps will be construed as a plan to confuse the terrorists, double jujitsu, if you will.

On the other hand, those of us who view the rest of the world through the jihadist prism may be picking up a very different message concerning the level of our determination.

This on again, off again policy of terrorist surveillance has to end. We must give Admiral McConnell and those in the intelligence community under his charge the tools necessary to protect the American people, and we must do so on a permanent basis.

Does anyone realistically believe the imposition of arbitrary sunsets every few weeks or every few months somehow places us in the position to return to a pre-9/11 world? Such wish fulfillment is no basis for the formulation of national security policy, for we no longer live in a world where wishful thinking is permissible if we are to fulfill our obligation to those who have sent us here to represent them and protect them. This is the first obligation of government. And after 9/11 or 7–7 in London, Bali, Madrid, Amman Jordan, and Glasgow, we no longer have the option to pretend otherwise.

□ 2100

Our policy as a nation must begin with the recognition of this reality. However inconvenient or discomforting it might be for some of us, we must recognize that meeting the challenge posed by those who seek to kill us is going to be a long-term, not short-term, challenge. It therefore requires a long-term investment in our security.

We cannot just be thinking about 2 weeks, or 21 days, or 6 months, or 2 years out. The gravity of the challenge we face requires a commitment which is commensurate with the serious nature of the threat. The American people demand that this be our serious approach.

Although it is my belief that a permanent reauthorization is therefore consistent with the history of the FISA Act, consistent with the threat that we face, and consistent with what the American people wish, the 6-year extension contained in the bipartisan language which passed the other body this evening is a meaningful compromise. We must send a clear message to terrorists that we understand the nature of our struggle. There must be no doubt in their minds that we will never forget what they have done and that we are committed to the long haul.

I take a back seat to no one on the question of the need for vigorous congressional oversight of the executive branch. I spoke about this before I returned to this Congress after a 16-year absence. However, when we are told by Admiral McConnell what he needs and then this body does not listen and attempts to reinvent the wheel with the so-called RESTORE Act, there surely should be some compelling justification for such a rejection of the Director of National Intelligence request.

Let me suggest that it has been more than 6 months since the enactment of the Protect America Act. So what is the factual basis to justify the dramatic changes that were embodied in the majority party's so-called RESTORE Act? After all this time, what is the evidence that Admiral McConnell was wrong? We now have the benefit of 20/20 hindsight. It is no longer necessary for us to speculate.

So how are the changes to the Protect America Act embodied in the RESTORE Act borne out by experience? We now have the basis for making empirical judgments; and unless there are answers to these basic questions, attempts to rewrite Admiral McConnell's bottom line are nothing more than a leap into the dark, a serious existential leap concerning the safety and security of all Americans.

Or is there something else other than evidence at work here? During our legislative hearings in the Judiciary Committee, there were concerns expressed that in reaching the compromise agreement which became the Protect America Act that somehow the White House may have unduly influenced the process. There were questions raised about whether Admiral McConnell could speak truth to power.

Let me first of all say that the interest of the White House in protecting the national security of our Nation is about as much of a surprise as the discovery that gambling was going on in Joe's Bar in the movie ''Casablanca.'' It would be more of a shock to learn the administration, or any administration for that matter, lacked an interest in a matter of such magnitude relating to its essential obligation to protect the American people.

After 9/11, it should never again happen that everything that could be done wasn't done to ensure that we connect the dots. No, the real issue here was one of credibility, or so some attempted to make it, the credibility of Admiral McConnell concerning, as was stated by one of my colleagues on our committee, to speak truth to power.

One interesting incident subsequent to the adoption of the so-called RESTORE Act provides us with persuasive evidence of Admiral McConnell's independent judgment. Regardless of how one interprets the National Intelligence Estimate concerning Iran, any attempt to attack Admiral McConnell as a tool of the Bush administration would appear to be lacking in any credibility whatsoever. There should be no doubt in anyone's mind that Admiral McConnell is a man of honor who calls it as he sees it. This is important because he told us how he sees it; and unlike the bipartisan coalition in the other body, our adoption of the majority party's RESTORE Act proved, I fear, that we did not listen to him with seriousness of purpose.

It was not enough that this man had served in Democrat and Republican administrations and had a distinguished naval career. After all, some would say we are talking about the Bush administration. So let me suggest, this is not about President Bush. As bumper stickers I have seen on the road reflect, by 1/20/09 President Bush will no longer be in office. We will have a new administration and a new President, whomever he or she will be.

But whomever they will be, they will continue to face the same threat by radical jihadists whose primary aim in life is to kill us. That will not change. Regardless of which political party occupies the White House, the one advantage we will need to defend against another horrific attack will be the need to learn of their plans before they are carried out, to gather intelligence; and if we are to be successful in doing so, the surveillance of foreign terrorists will be critical to this endeavor.

Independent sources such as Brian Jenkins of the RAND Corporation have stressed that our intelligence capability is a key element in our effort to protect our homeland. He states that in the terror attacks since 9/11, we have seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

The development of comprehensive homeland security strategy cannot be conceived in isolation from the need for surveillance of terrorists overseas. The Director of National Intelligence has told us what he needs; and unfortunately, that is not encompassed in the so-called RESTORE Act, which passed this body, this body, in November. Unless the bipartisan agreement which passed the other body this evening is adopted, we will be without the minimum acceptable threshold of protection negotiated with Admiral McConnell last August.

Although this body did adopt the so-called RESTORE Act in November of last year, that legislation would impose additional burdens on the intelligence community which undermined the essential nature of the compromise reached with Admiral McConnell. Furthermore, the RESTORE Act punted on the critical question of whether retroactive protection could be extended to those communication providers who responded to the call for help from their government in the wake of 9/11.

What does that mean? It means simply this: while we recognize in other situations that a Good Samaritan law makes sense; that is, we want to encourage doctors or health care providers who come upon an accident on the highway to utilize their expertise to help those who might be injured at that location without regard to the possibility of lawsuits thereafter, even though we know that that might, in some cases, make it impossible to sue a doctor for what otherwise would be considered malpractice. We make that judgment because we believe on balance it is for the good of society and in most cases will allow extra protections or extra treatment that otherwise might not be there for someone who has been the victim of such an accident.

Similarly, the Senate bill recognizes how important it is that we have the intelligence necessary to identify the threat that is posed by those who would wish to kill us and destroy us in the name of some distorted version of religious purpose.

And so what we have said, at least what the other body has said, what the President has asked for, what Admiral McConnell has asked for is a type of national Good Samaritan law with respect to the collection of foreign intelligence. In other words, when in an emergency situation, in a terrorist scenario, in the aftermath of 9/11, when the government desperately needs to be able to gather as much information as possible with respect to foreign intelligence, foreign actors who wish to do harm to us, the government reached out to various companies who are able to aid them in that way, and all the bill that has passed the Senate does, and the bill which hopefully will be before us sometime this week, all it does is say that if you responded in good faith to the request of the Federal Government to assist in the collection of information about foreign intelligence relative to the threat that is posed by this terrorist effort around the world, we will hold you harmless. We will have you immune from lawsuits.

Now, when this question was presented to us in the Judiciary Committee, one of my friends on the other side of the aisle, in opposing that, said these people have many high-priced attorneys and they can respond to that themselves. Now, what if we took that as our approach to a Good Samaritan law with respect to accidents on the highway? We would say, well, we don't have to worry because these doctors have a lot of money. They can hire a lot of high-priced attorneys. They can defend themselves in court thereafter. Do we think that would encourage doctors and other medical specialists or health specialists to assist? I think not. At least that has been the decision we have made in State after State after State where we have said on balance, for the good of society, we will create these laws.

No, what we passed on the floor of the House, the so-called RESTORE Act, was the anti-Good Samaritan law. It was Good Samaritan beware: if you dare respond affirmatively to a request by your government and act in good faith to help that government obtain the information against foreign actors with respect to their evil intent to try and destroy us, you may be subjected to lawsuit after lawsuit.

Now is this just a figment of my imagination, the imagination of others, the imagination of those in the Senate who brought forth this bill? No, because we know there are numerous lawsuits that have been filed against those companies that they believe responded affirmatively to the request by the Federal Government to assist them in gathering that information in the wake of 9/11.

The idea that a court order should be required before surveillance can take place against a foreigner overseas is precisely the thing that Admiral McConnell warned against. Well, my friends on the other side of the aisle are fond of the rejoinder that they only require a basket warrant under their approach. That does little or nothing to respond to the admiral's concern, for even if it is a basket, the intelligence community is going to have to identify every piece of fruit in that basket. And as Admiral McConnell has explained time and time and time again, in the real world of intelligence, this is simply unworkable.

Furthermore, in the alternative presented by the majority in their RESTORE Act, which presumably they want to go to conference on and against which they would place the Senate bill, the language found in section 2(a)(2) of that House bill creates even more problems. The language of the majority party's RESTORE Act includes a section entitled: ''Treatment of inadvertent interceptions.'' It deals with this situation: the intelligence community believes in good faith that they are dealing with a foreign-to-foreign communications, but inadvertently they capture communication that deals with a foreign-to-domestic call. And you say how could that happen? Well, in the real world, you can only target one end of the conversation. So when we go into this and we target one end of the conversation and in good faith believe that that is going to be foreign-to-foreign, occasionally you might get foreign-to-domestic. So what happens? The language in the majority party's bill says you cannot use that information for any purpose. You can't disclose it. You can't disseminate it. It cannot be used for any purpose or retained for longer than 7 days unless a court order is obtained, or unless the attorney general determines that the information, the information contained, indicates a threat of death or serious bodily harm to any person.

Now, you might say, well, that should take care of all situations, shouldn't it? Well, let's say we have a conversation or communication involving Osama bin Laden and the communication involves someone within the United States, and there is no indication, no indication whatsoever in that communication concerning a threat of death or serious bodily harm to any person. But the conversation, the contents of the conversation, indicate the exact cave where Osama bin Laden may be. We would find ourselves unable to act.

□ 2115

I know that sounds absurd, but in fact that is a fair reading. In fact, it is the only reading of that section of the bill that the other side of the aisle wishes to have passed in lieu of the bill that was presented by the Senate today. It is simply unacceptable.

Now, to be fair, the majority says, well, wait a second. Your concern is not well placed because there is language found in section 22 of the majority bill which provides that it would not ''prohibit the intelligence community from conducting lawful surveillance necessary to prevent Osama bin Laden or any other terrorist or terrorist organization from attacking the United States.'' So they say, you see, we have taken care of that problem. But they haven't.

The problem with this logic is that the qualification found in that language that the surveillance must be ''lawful'' is obviously affected by what is found elsewhere in the bill, including the language contained in section 2(a)2 that I just discussed. Thus by its own terms, any assertion that we will be able to listen to the conversations of Osama bin Laden must be read in light of the remainder of the bill.

Again, why are we going down this road? Why is the majority so insistent on not allowing us an up or down vote on the Senate bill? Why are they so insistent on the product that we produced on this floor that has these problems that I have just mentioned?

Since the enactment of the Protect America Act, the one that we passed on August 5, the one upon which the bill in the Senate is based, what facts and what evidence have arisen which would warrant second guessing the intelligence community and its assessment of the minimum requirements necessary in order to continue the protection of the American people? And, Mr. Speaker, I would say if this is not about facts, if this is not about evidence, then what is it about?

It should be noted that the bipartisan legislation passed by the other body does not contain this entirely unacceptable language I mentioned from section 2(a)2 of the House bill.

Now, surely one thing not at issue is the effect of the Protect America Act and its progeny, the bill produced in the Senate today. Its effect on the civil liberties of Americans is not at issue. Let me point this out. There is nothing contained in the Protect America Act or in the bill passed by the Senate today which would allow the President to target Americans or U.S. persons outside of the law. The Protect America Act did nothing to change this aspect of the law, which has existed since 1978, nor does the Senate bill.

So, there are two things which must be kept in mind. First, if the intelligence community targets someone inside the United States, the community must first obtain a court order from the FISA court. That does not change.

Secondly, if the intelligence community surveils a communication where both ends of the communication are in the United States, the intelligence community must obtain a FISA court order.

Furthermore, if Osama bin Laden or another terrorist calls a U.S. person within the United States, the end of the conversation conducted by the U.S. person, the person he called to in the United States, that end of the conversation would have to be what we call in the law minimized under the existing procedures of the 1978 act.

Let me again emphasize that the minimization process which is applied in cases where information has been inadvertently obtained from a U.S. person is not only in the original FISA statute, but is something with which we have been familiar on the criminal side for decades as well.

In other words, when a court allows for a wiretap in a criminal case in the United States, a domestic criminal case, again, the wiretap is only on one end. So they put a wiretap on a Mafia boss. That wiretap captures conversations from that particular phone to many, many different others, and if in fact it goes to somebody who is not involved whatever in the criminal enterprise, that conversation, that part of the conversation dealing with that person is minimized. If, because of something that attracts the investigator's attention on that end of the line going towards criminal investigation must go forward, then they have to go to court to get a court order with respect to that individual. That is the same way we handle minimization in these FISA cases.

In an interesting exchange during our Judiciary Committee hearing on FISA, Admiral McConnell was queried as to how many Americans have been wiretapped without a court order? The direct response by Admiral McConnell was ''none.'' He went on to say this: ''There are no wiretaps against Americans without a court order. None. What we are doing is we target a foreign person in a foreign country. If that person calls into the United States, we have to do something with that call, that process is called minimization. It was the law in 1978. It is the way it is handled.''

Any suggestion that the intelligence community could somehow operate outside the law because of anything we did in adopting the Protect America Act this past August or in adopting the bill sent over from the Senate is a regrettable reversion to scaremonger.

I would suggest that the attempt to scare the American people into believing we have jeopardized their civil liberties by exposing them to warrantless surveillance does a disservice to rational political discourse. And I would also suggest that except for those on the ideological fringes who might fear their government more than they fear al Qaeda, it will also prove to be a failed political strategy.

You don't have to like President Bush, you don't have to countenance the war in Iraq, to understand who the real enemy is, those who killed over 3,000 of our fellow citizens on September 11. Nothing in the Protect America Act, nothing in the bipartisan compromise which just passed the other body, would adversely affect constitutionally protected privacy interests.

In the seminal Fourth Amendment privacy case entitled Katz v. United States, the Supreme Court held that the protection of the Fourth Amendment extended to cases involving electronic surveillance of oral communications without the requirement of a physical intrusion.

Before that, there was a question as to previous decisions by the court and whether or not these protections would go if there was no physical intrusion. In Katz v. United States, the court held that the Fourth Amendment did extend to cases involving electronic surveillance of oral communications, even though there was no physical intrusion. At the same time, however, the Supreme Court expressly stated that national security cases were expressly outside the purview of its holding in that case.

Furthermore, in his concurring opinion, Justice ''Whizzer'' White, I think his picture can be found in Webster's Dictionary besides the word ''moderate,'' made the following observation: Speaking of the court he said, ''We should not require the warrant procedure and the magistrate's judgement if the President of the United States or his legal officer the Attorney General has considered the requirements of national security and authorized electronic surveillance as reasonable.''

In the debate before us where the issue involves the surveillance of foreigners outside the United States, the civil liberties concerned are minimal, if not nonexistent. What do I mean by that? In a case where terrorists might call a U.S. person, the FISA minimization procedures which have applied since 1978 continue to protect the privacy interests of Americans and legal residents in the United States.

Thus, in arriving at a definition of reasonableness on the Fourth Amendment, it comes down to how serious one deems the threat of another 9/11 to be. In fact, if you consider the threat of another attack on the American people to be serious, it would be a terrible mistake to walk away from what Admiral McConnell has told us he needs, for there is perhaps know greater threat to civil liberties than the prospect of another successful attack on the United States. It was for this very reason that the 9/11 Commission itself made the observation that ''the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home.''

Simply put, if we suffer a terrorist attack at home, another terrorist attack at home, the response of the American people might very well be to cut back on our protection of civil liberties in order to protect us from such terrorist attack.

The 9/11 Commission has suggested that if we do those things that are necessary in our and are constitutional, we ought not to face that false choice of security versus liberty. It is in this context that we must view the legislation currently before this body. It is not a zero sum game, where increasing our Nation's security necessarily comes at the expense of liberty. This is a false dichotomy.

This is not an abstract philosophical debate. No. It involves the targeting of foreign individuals outside the United States. It was for this reason that the United States Supreme Court in the Keith case, much like the 9/11 Commission, noted that were the government to fail ''to preserve the security of its people, society itself would become so disordered that all rights and liberties would become endangered.''

Mr. Speaker, yesterday I had the opportunity to observe the FISA debate taking place in the other body. The senior Senator from my State of California, for whom I have great respect, was arguing for more restrictive language, positing FISA as the exclusive means for the conduct of electronic surveillance.

Let me say that this concept is already embodied in the current FISA statute and there is nothing whatsoever in the Protect America Act or the

bill that has come to us from the Senate which in any way alters or affects that. It is irrelevant to the reason for which Admiral McConnell came to the Congress and asked us to close critical gaps in our foreign intelligence.

First of all, it is not clear there was an attempt by Congress to occupy the field when the issue is foreign intelligence or foreign surveillance of non-U.S. persons in contrast to the definition of electronic surveillance within FISA itself. It was recognized at the time that there were constitutional limits on how far the Congress could go. There was testimony to that effect by former Attorney General Griffin Bell, with whom we are all familiar.

Secondly, the House conference report on the 1978 FISA statute contains an interesting admission concerning the scope of the coverage by the statute. The House conference report recognized that the statute's restrictions might impermissibly impinge or infringe on the President's constitutional powers. The report acknowledges that ''the conferees agree that the establishment of this act of exclusive means by which the President may conduct electronic surveillance does not foreclose a different decision by the Supreme Court.''

The conference report explained that Congress intended in FISA to exert whatever power Congress constitutionally had over the subject matter to restrict foreign intelligence surveillance, and to leave the President solely with whatever inherent constitutional authority he might be able to invoke against Congress' express wishes.

The legislative history in the Senate also reveals that the provisions in FISA were intended to exclude certain intelligence activities conducted by the NSA from the coverage of FISA.

With respect to 50 USC 2511(2)(f), it is clear that the legislation does not deal with international signals intelligence activities as currently engaged in by NSA in electronic surveillance conducted outside the United States. The legislative history also makes clear the definition of electronic surveillance was crafted for this very same reason.

It is particularly noteworthy that the FISA Court of Appeals itself states in ''In re: Sealed Case'' that ''all the other courts to have decided the issue held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information.'' The court further stated, ''We take for granted that the President does that have that authority.''

The United States Supreme Court itself in the Keith case held that the warrant requirement would apply to national security investigations involving purely domestic targets with no suspected ties to a foreign power. However, Justice Powell carefully distinguished this holding from foreign intelligence cases in writing that ''the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers.'' It is thus clear that the United States Supreme Court itself has drawn a commonsense distinction between domestic surveillance and foreign surveillance.

The Protect America Act and its progeny, the bipartisan Senate bill passed today, they respect these parameters in that their focus is on non-U.S. persons located overseas where an American that is not the target of the surveillance. If a U.S. person happens to be on the other ends of a conversation with Osama bin Laden, the remedy, as I said before, is minimization, purging the non-targeted American's contribution to the conversation.

□ 2130

Thus, there is no need to bar the use or dissemination of such information as required under the terms of the majority's so-called RESTORE Act. Privacy and civil liberty considerations are simply not implicated to any significant degree in the foreign surveillance context.

In order to reach a compromise with the House leadership last August, Admiral McConnell was forced to punt on the issue of those telecommunications providers who came to the aid of their country in the wake of 9/11. The RESTORE Act subsequently passed by this body fails to deal with this issue at all. The message delivered to these companies is simply that you are on your own.

The idea that these companies should be met with the response that you are on your own is simply incomprehensible. They did what they did not because they thought about it on their own, but because they were responding to requests from their government in the wake of the worst attack on this Nation since Pearl Harbor. If there was a mistake in policy, which I do not believe to have been the case, but if there were such a mistake, the mistake was made by the government, not by those who were asked to help prevent another 9/11.

Let us not forget that although we have not been the victim of another successful attack, from the vantage point of the post-September 11 time frame, there was great anticipation about the prospect of another attack. Those who like to inveigh against the failure to connect the dots cannot in the same breath turn their backs on those who sought to make sure that such a thing did not happen again.

Further, I would say, what kind of signal does this send to those who, during some future conflict, are approached by our government to help prevent another cataclysmic assault on our Nation? Our friends on the other side of the aisle should think long and hard before they feed these telecommunications entities to the litigation sharks. It may be a different war, it may be a different President, but this is the worst possible precedent. If you are going to tell these companies that you are on your own, the next time they may tell us, well then, connect your own dots.

This body failed to address this critical issue, which will surely affect the willingness of Americans to come to the aid of our government when this Nation faces future peril.

However, all Americans can find solace from the fact that the bipartisan legislation which passed the other body this evening does meet this challenge. It does say that we would grant immunity to those companies that responded, in good faith, to the request by their government to assist them in gathering this information and would limit it from the date of 9/11 up to the present time. Very specific, very specific with respect to that. And, interestingly enough, there doesn't seem to be dispute or hasn't been dispute about making that kind of prospective. But should we say that those who have helped us in the past in the aftermath of the worst attack since Pearl Harbor are to be viewed as lacking? That somehow they are to take the fall? If there were mistakes, they were government mistakes, and you ought not to attack third parties who responded in a responsible good-faith way.

Both justice and common sense dictate that future Presidents of both parties may need help, may need to call on the help of the American people should we face another terrible event of the magnitude of 9/11.

So, Mr. Speaker, let's be clear: this is not a partisan issue. All Americans of both parties have the same desire to raise their families in a Nation of secure communities free from the fear of another cataclysmic attack. The other body has considered this at some length and acted reasonably. We are up against a deadline at the end of this week. The Senate bill, unlike its House counterpart, does respond to the national security needs of our Nation. It is evidence of the fact that the majority and minority can work together to protect the public.

On August 5, this body demonstrated, with the passage of the Protect America Act, that it likewise can put aside partisan differences and meet this most solemn obligation that we have to those who have elected us. Once again, we are called upon to do so.

So I would hope, Mr. Speaker, that tomorrow we not go forward with an effort to have a 21-day extension of the current law and kick the can down the road again; that we actually come forth and debate vigorously and vote on the bipartisan compromise presented to us by the Senate today; that we face squarely the question of whether we are going to enact a Good Samaritan law for those companies and individuals who responded to the call of their country, or whether we are going to take a position that only an anti-Good Samaritan law makes sense in the context of this fight against extreme Islamo-fascism.

Mr. Speaker, although even-numbered years have the tendency to raise

the volume of rhetoric, the protection of the American people should transcend politics as a fundamental obligation of government. The other body has put the public interest above partisanship, and I would hope that we can follow their example.

Mr. Speaker, I would ask that we have consideration of the Senate bill brought forth on this floor within the next 2 legislative days so that the people of the United States can watch their Representatives in this House work their will on that proposal.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Mr. HOYER) for today on account of inclement weather.

Mr. CUMMINGS (at the request of Mr. HOYER) for today on account of business in the district.

Mr. HONDA (at the request of Mr. HOYER) for today and the balance of the week on account of family medical reasons.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of business in the district.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of weather delay.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. RYAN of Ohio (at the request of Mr. HOYER) for today on account of inclement weather in the district.

Mr. KUHL of New York (at the request of Mr. BOEHNER) for today on account of bad weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CARNAHAN, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, February 13, 14, and 15.

Mr. POE, for 5 minutes, February 15.

Mr. JONES of North Carolina, for 5 minutes, February 15.

Mr. BURGESS, for 5 minutes, today and February 13.

Mr. SALI, for 5 minutes, February 14.

Mr. BURTON of Indiana, for 5 minutes, today and February 13, 14, and 15.

Mr. KINGSTON, for 5 minutes, February 13.

Mr. KIRK, for 5 minutes, February 13.

Mr. DAVIS of Kentucky, for 5 minutes, February 14.

Mr. DENT, for 5 minutes, February 13.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2071. An act to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce; 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.

S. Con. Res. 67. Concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies; to the Committee on House Administration.

S. Con. Res. 68. Concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies; to the Committee on House Administration.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on February 7, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 4253. To improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reports that on February 8, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 5140. To provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), pursuant to House Resolution 975, the House adjourned until tomorrow, Wednesday, February 13, 2008, at 10 a.m., as a further mark of respect to the memory of the late Honorable TOM LANTOS.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5286. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zeta-cypermethrin; Pesticide Tolerance [EPA-HQ-2007-0300; FRL-8346-3] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5287. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2006-0732; FRL-8342-6] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5288. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting notification that increases in both the Program Acquisition Unit Cost (PAUC) and the Procurement Unit Cost (PUC) for the Joint Tactical Radio System Ground Mobile Radio (JTRS GMR) program exceed 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5289. A letter from the Chairman, Commission on the National Guard and Reserves, transmitting the Commission's final report on the assessment of the reserve components of the U.S. military and recommendations to ensure that they are organized, trained, equipped, compensated, and supported to best meet the current and future requirements of U.S. national security; to the Committee on Armed Services.

5290. A letter from the Assistant Secretary for Homeland Defense and Americas' Security Affairs, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2007, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

5291. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention deadline of April 29, 2012, and not later than December 31, 2017, pursuant to Public Law 110-116, section 8119; to the Committee on Armed Services.

5292. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Bruce A. Wright, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5293. A letter from the Deputy Administrator for Defense Programs, Department of Energy, transmitting the Department's draft Complex Transformation Supplemental Programmatic Environmental Impact Statement; to the Committee on Armed Services.

5294. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 2006, pursuant to 47 U.S.C. 396(k)(3)(B)(iii)(V); to the Committee on Energy and Commerce.

5295. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Facing the Hard Truths about Energy: A Comprehensive View to 2030 of Global Oil and Natural Gas''; to the Committee on Energy and Commerce.

5296. 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 Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

and Gasoline Dispensing Facilities [EPA-HQ-OAR-2006-0406, FRL-8512-3] (RIN: 2060-AM74) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5297. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hospital Ethylene Oxide Sterilizers [EPA-HQ-OAR-2005-0171; FRL-8512-1] (RIN: 2060-AM14) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5298. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2005-0030, FRL-8512-4] (RIN: 2060-AM81) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5299. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-290, ''Juvenile Speedy Trial Equity Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5300. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-289, ''National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5301. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-287, ''Minority and Women-Owned Business Assessment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5302. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-286, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5303. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-285, ''District of Columbia Public Library Retirement Incentive Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5304. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-284, ''Adoption and Safe Families Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5305. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-283, ''Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5306. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-282, ''SafeRx Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5307. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-288, ''Excellence in Local Business Contract Grading Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5308. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2007 — FY 2012; to the Committee on Oversight and Government Reform.

5309. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's report on the annual activities that affect privacy including complaints of privacy violations, implementation of the Privacy Act, and internal controls, pursuant to Section 522 of the Consolidated Appropriations Act of 2005; to the Committee on House Administration.

5310. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the Department's report regarding the activities of the Northwest Atlantic Fisheries Organization for 2006, pursuant to 16 U.S.C. 5601 et seq.; to the Committee on Natural Resources.

5311. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

5312. A letter from the Chairman, National Science Board, transmitting the Board's report entitled, ''Moving Forward to Improve Engineering Education''; to the Committee on Science and Technology.

5313. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 89th annual National Convention of the American Legion, held in Reno, Nevada from August 24-30, 2007 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. —94); to the Committee on Veterans' Affairs and ordered to be printed.

5314. A letter from the Secretary, Department of Labor, transmitting the Department's fourteenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2007, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

5315. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 Annual Report on the Child Support Enforcement Program in accordance with 452(a) of the Social Security Act; to the Committee on Ways and Means.

5316. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Assets for Independence Demonstration Program: Status at the Conclusion of the Seventh Year,'' pursuant to Public Law 105-285, section 414(d)(1); to the Committee on Ways and Means.

5317. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

5318. A letter from the Chair, Ticket to Work and Work Incentives Advisory Panel, transmitting the Panel's Final Advice Report on the Ticket to Work and Self-Sufficiency Program (the Ticket Program); to the Committee on Ways and Means.

5319. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the results of a study on which Medicare beneficiaries with specific chronic conditions are deemed to be homebound for purposes of meeting Medicare's criteria for receiving home health services, pursuant to Section 702 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

5320. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the tenth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2006, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SUTTON: Committee on Rules. House Resolution 974. Resolution providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development (Rept. 110–524). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 976. Resolution providing for consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days (Rept. 110–525). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. OBERSTAR):

H.R. 5336. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize funding for brownfields revitalization activities and State response programs, and for other purposes; 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. BIGGERT:

H.R. 5337. A bill to extend the temporary suspension of duty on triphenyltin hydroxide; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5338. A bill to extend the temporary suspension of duty on 4-(2,4-dichlorophenoxy) butyric acid and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5339. A bill to extend the temporary suspension of duty on Bromoxynil Octonoate; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5340. A bill to extend the temporary suspension of duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5341. A bill to extend the temporary suspension of duty on Gibberellic Acid; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5342. A bill to extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5343. A bill to extend the temporary suspension of duty on 2-ethylhexyl (4-chloro-2-methylphenoxy) acetate; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5344. A bill to extend the temporary suspension of duty on 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5345. A bill to extend the temporary suspension of duty on MCPB Acid and MCPB Sodium Salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5346. A bill to suspend temporarily the duty on Imazapyr; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5347. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. SHAYS):

H.R. 5348. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, 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. CONYERS (for himself and Mr. REYES):

H.R. 5349. A bill to extend the Protect America Act of 2007 for 21 days; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mrs. DRAKE):

H.R. 5350. A bill to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes; to the Committee on Natural Resources, 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. RANGEL (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, Mr. VAN HOLLEN, Ms. SCHWARTZ, Ms. CASTOR, Mr. COHEN, Mr. ELLISON, Ms. GIFFORDS, Mr. HALL of New York, Mr. HILL, Mr. HODES, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. MCNERNEY, Mr. SARBANES, Mr. SIRES, Ms. TSONGAS, and Mr. WELCH of Vermont):

H.R. 5351. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5352. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, 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. MARKEY (for himself and Mr. PICKERING):

H.R. 5353. A bill to establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 5354. A bill to suspend temporarily the duty on certain theatrical lighting fixtures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5355. A bill to suspend temporarily the duty on certain theatrical lighting fixtures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5356. A bill to suspend temporarily the duty on certain surge protective receptacles and surge suppressor strips; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5357. A bill to suspend temporarily the duty on certain lighting control timers; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5358. A bill to suspend temporarily the duty on certain electrical connectors and adaptors; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5359. A bill to extend the temporary suspension of duty on aluminum lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5360. A bill to extend the temporary suspension of duty on brass lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5361. A bill to extend the temporary suspension of duty on plastic lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5362. A bill to extend the temporary suspension of duty on porcelain lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5363. A bill to suspend temporarily the duty on high current ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5364. A bill to suspend temporarily the duty on in line ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5365. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of greater than 15 amps; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5366. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of 15 amps or less; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5367. A bill to suspend temporarily the duty on right angle ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5368. A bill to suspend the duty on Aluminum (0.010″ and thicker); to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5369. A bill to suspend temporarily the duty on certain products; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5370. A bill to suspend temporarily the duty on certain gelatins; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 5371. A bill to suspend the duty on Aluminum (0.008″ and thinner); to the Committee on Ways and Means.

By Ms. BEAN (for herself and Mr. SIRES):

H.R. 5372. A bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property; to the Committee on Ways and Means.

By Mr. BOSWELL:

H.R. 5373. A bill to amend the Internal Revenue Code of 1986 to extend the energy efficient appliance credit and the nonbusiness energy property credit; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5374. A bill to extend the temporary suspension of duty on sodium methylate powder; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5375. A bill to extend the temporary suspension of duty on Trimethyl cyclo hexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5376. A bill to extend the temporary suspension of duty on Thymol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5377. A bill to extend the temporary suspension of duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5378. A bill to extend the temporary suspension of duty on Menthyl anthranilate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5379. A bill to extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5380. A bill to extend the temporary suspension of duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5381. A bill to extend the temporary suspension of duty on Methyl cinnamate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5382. A bill to extend the temporary suspension of duty on p-Methylacetophenone; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5383. A bill to extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl)proponal; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5384. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5385. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5386. A bill to extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5387. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5388. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5389. A bill to extend the temporary suspension of duty on o-tert-Butylcyclohexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5390. A bill to reduce temporarily the duty on 4-ADPA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5391. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5392. A bill to extend the temporary suspension of duty on Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5393. A bill to suspend temporarily the duty on Ferro Boron; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 5394. A bill to suspend temporarily the duty on Cobalt Boron; to the Committee on Ways and Means.

By Mr. CARNAHAN (for himself, Mr. CLAY, Mr. COSTELLO, Mrs. EMERSON, Mr. SKELTON, Mr. CLEAVER, Mr. RUSH, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. AKIN, Ms. JACKSON-LEE of Texas, Ms. SOLIS, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. LEWIS of Georgia):

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. TOM DAVIS of Virginia:

H.R. 5396. A bill to designate the Cold War Museum in Fairfax, Virginia, as the National Cold War Museum; to the Committee on Armed Services.

By Mr. HODES:

H.R. 5397. A bill to suspend temporarily the duty on certain battery assemblies; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5398. A bill to suspend temporarily the duty on certain mixtures containing [3-[(6--chloro-3-pridinyl)methyl]-2-thiazolidinylidene]cyana ide; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 5399. A bill to suspend temporarily the duty on certain travel bags with a removable backpack or daypack; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. JORDAN, Ms. KAPTUR, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. TIBERI, Mr. TURNER, Ms. SUTTON, Mr. WILSON of Ohio, Mr. LATTA, Mr. HOBSON, Mrs. JONES of Ohio, and Mr. CHABOT):

H.R. 5400. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. HARE, Ms. HOOLEY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. KAGEN):

H.R. 5401. A bill to authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. WELCH of Vermont (for himself, Mr. INSLEE, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mr. VAN HOLLEN, Mr. WYNN, Mr. HALL of New York, and Mr. CARNAHAN):

H.R. 5402. A bill to amend the Small Business Act to establish the Office of Environment, Energy, and Climate Change and to establish the Climate Change Center and Clearinghouse to provide support and information on climate change to small business concerns; to the Committee on Small Business.

By Mr. YOUNG of Alaska (for himself and Mr. DICKS):

H.R. 5403. A bill to amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina (for himself, Mr. OBERSTAR, Mr. MANZULLO, and Mr. MICHAUD):

H. Con. Res. 291. Concurrent resolution recognizing and honoring the 400th anniversary of Quebec City in Quebec, Canada, since its founding in 1608 by French explorer Samuel de Champlain; to the Committee on Foreign Affairs.

By Mr. CLEAVER (for himself and Mr. SKELTON):

H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments; to the Committee on Oversight and Government Reform.

By Mr. GORDON (for himself, Mr. ADERHOLT, Mr. BACHUS, Mr. BERRY, Mrs. BLACKBURN, Mr. CHANDLER, Mr. COHEN, Mr. COOPER, Mr. CRAMER, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. ROSS, Mr. SNYDER, Mr. TANNER, Mr. TAYLOR, Mr. WAMP, Mr. WHITFIELD of Kentucky, Mr. DAVIS of Kentucky, Mr. DAVIS of Alabama, and Mr. BOOZMAN):

H. Res. 971. A resolution expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Ms. FALLIN, Ms. SCHAKOWSKY, Mrs. MCMORRIS RODGERS, Mrs. CHRISTENSEN, Mrs. CUBIN, Ms. BORDALLO, Ms. LORETTA SANCHEZ of California, Ms. BALDWIN, Mr. ENGEL, Ms. SUTTON, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, Ms. HIRONO, Ms. KAPTUR, Mrs. BIGGERT, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. MARKEY, Mr. STUPAK, Mr. TOWNS, Ms. NORTON, Ms. BEAN, Mr. ALTMIRE, Mrs. TAUSCHER, Mr. KIND, Mr. BILBRAY, Mr. HINCHEY, Mr. HOLT, Mr. MORAN of Virginia, Mr. BOUSTANY, Mr. KENNEDY, Mr. MCGOVERN, Mr. PICKERING, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. SCHMIDT, Mr. BISHOP of New York, Mrs. WILSON of New Mexico, Ms. PRYCE of Ohio, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. ISRAEL, Ms. ROYBAL-ALLARD, Ms. HOOLEY, Mr. GENE GREEN of Texas, Mr. LARSON of Connecticut, Mrs. DRAKE, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Mr. MOORE of Kansas, Ms. SCHWARTZ, Ms. SLAUGHTER, Ms. MOORE of Wisconsin, Ms. DELAURO, Mr. ROSS, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Mrs. CAPITO, Ms. SOLIS, Mrs. LOWEY, Mrs. BONO MACK, Mrs. MCCARTHY of New York, Mrs. MYRICK, Ms. CLARKE, Ms. HARMAN, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, and Ms. HERSETH SANDLIN):

H. Res. 972. A resolution supporting the goals and ideals of American Heart Month and National Wear Red Day; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 973. A resolution supporting the goals and ideals of the 10th annual National Consumer Protection Week; to the Committee on Energy and Commerce.

By Mr. STARK:

H. Res. 975. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Tom Lantos, a Representative of the State of California; considered and agreed to.

By Mr. BRALEY of Iowa (for himself, Mr. SARBANES, Mr. ABERCROMBIE, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. ALTMIRE, Mr. KAGEN, Mr. WALZ of Minnesota, Ms. KAPTUR, Mr. ARCURI, Mr. HARE, Mr. LOEBSACK, Mr. WILSON of Ohio, Mr. OBEY, Mr. MICHAUD, Mr. DEFAZIO, Mr. SHULER, Mr. KLEIN of Florida, and Mr. MANZULLO):

H. Res. 977. A resolution expressing the sense of the House of Representatives that rebate checks would better stimulate the economy if spent on American-made products and services from American-owned companies; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. LANGEVIN, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. TOWNS, Ms. DELAURO, Mr. HONDA, Mr. HARE, Mr. GRIJALVA, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. CHANDLER, Mrs. CAPPS, and Mr. LOEBSACK):

H. Res. 978. A resolution expressing support for the designation of the week of March 3-7, 2008, as ''School Social Work Week'' to promote awareness of the vital role of school social workers in schools, and in the community as a whole, in helping students prepare for their future as productive citizens; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mrs. CHRISTENSEN.

H.R. 136: Mr. BOOZMAN and Mr. CHABOT.

H.R. 190: Mr. LINCOLN DAVIS of Tennessee, Mr. BROUN of Georgia, and Mr. ENGLISH of Pennsylvania.

H.R. 219: Mr. LATOURETTE.

H.R. 245: Mr. WEXLER.

H.R. 278: Mr. ARCURI.

H.R. 333: Mr. GENE GREEN of Texas and Mr. INSLEE.

H.R. 471: Mr. TURNER and Mr. FEENEY.

H.R. 555: Mr. FRANK of Massachusetts.

H.R. 648: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. RENZI, and Mr. MATHESON.

H.R. 661: Mr. WYNN.

H.R. 685: Mr. KUHL of New York.
H.R. 724: Mr. LAMBORN.
H.R. 827: Mr. SOUDER.
H.R. 847: Mr. HERGER.
H.R. 850: Mr. BOOZMAN and Mr. CHABOT.
H.R. 1000: Mr. ACKERMAN, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. ELLSWORTH, Mr. ENGEL, Mr. HILL, Mr. LAMPSON, Mr. LOEBSACK, Mr. MEEK of Florida, Mr. MOORE of Kansas, Mr. POMEROY, Mr. SHERMAN, Mr. SIRES, Mr. VISCLOSKY, Ms. TSONGAS, Mr. DUNCAN, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LAHOOD, Mr. MANZULLO, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROHRABACHER, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. WELLER, Mr. WOLF, Mr. ORTIZ, and Mr. MCINTYRE.
H.R. 1074: Ms. SUTTON, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.
H.R. 1102: Mr. DEFAZIO and Mr. FRANK of Massachusetts.
H.R. 1134: Mr. SESTAK and Mr. SMITH of Washington.
H.R. 1306: Mr. SESSIONS.
H.R. 1328: Mr. WALZ of Minnesota.
H.R. 1431: Mr. WYNN.
H.R. 1439: Mr. BURGESS.
H.R. 1474: Mr. PORTER, Mr. SMITH of New Jersey, and Mrs. BONO MACK.
H.R. 1553: Mrs. CUBIN.
H.R. 1560: Mr. MURPHY of Connecticut.
H.R. 1588: Ms. DEGETTE.
H.R. 1589: Mr. PUTNAM.
H.R. 1594: Mr. FRANKS of Arizona.
H.R. 1621: Mr. KANJORSKI, Ms. WATERS, and Mr. PERLMUTTER.
H.R. 1653: Mr. MORAN of Virginia and Ms. LORETTA SANCHEZ of California.
H.R. 1791: Mr. ALTMIRE.
H.R. 1964: Ms. TSONGAS.
H.R. 1975: Mr. CARNAHAN.
H.R. 2040: Mr. MILLER of Florida, Mr. LAHOOD, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. REYNOLDS, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. SMITH of New Jersey.
H.R. 2075: Mr. COLE of Oklahoma.
H.R. 2108: Mr. FARR.
H.R. 2131: Mr. BACHUS.
H.R. 2134: Mr. PENCE.
H.R. 2188: Mr. YARMUTH.
H.R. 2221: Ms. HARMAN.
H.R. 2223: Mr. CALVERT.
H.R. 2267: Mr. LATTA and Mr. SHAYS.
H.R. 2290: Mr. COBLE and Mr. EMANUEL.
H.R. 2303: Mr. BUTTERFIELD, Mr. SAXTON, Ms. LORETTA SANCHEZ of California, and Mr. RAMSTAD.
H.R. 2362: Mr. NEAL of Massachusetts.
H.R. 2370: Mr. SESTAK.
H.R. 2507: Mr. BARTLETT of Maryland.
H.R. 2514: Mr. KIND.
H.R. 2577: Mrs. MYRICK.
H.R. 2604: Mr. ROTHMAN.
H.R. 2694: Ms. BERKLEY.
H.R. 2702: Mr. KING of New York.
H.R. 2703: Mr. SHAYS.
H.R. 2708: Ms. DELAURO and Mr. FILNER.
H.R. 2712: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2744: Mr. GERLACH, Mr. UDALL of Colorado, Mr. BOSWELL, Mr. ROSS, Mr. HIGGINS, Mr. CLEAVER, and Mr. CHANDLER.
H.R. 2790: Mr. MICHAUD.
H.R. 2792: Mr. DOYLE.
H.R. 2851: Mrs. DAVIS of California and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2892: Mr. STUPAK.
H.R. 2923: Mr. TAYLOR.
H.R. 2933: Mr. BLUNT.
H.R. 2941: Mr. ALTMIRE and Mr. SESTAK.
H.R. 2991: Ms. WASSERMAN SCHULTZ.
H.R. 3080: Mr. LATOURETTE.
H.R. 3197: Ms. HOOLEY, Mr. DAVIS of Illinois, Mr. HONDA, and Mr. DEFAZIO.
H.R. 3212: Mr. JOHNSON of Georgia, and Mr. FRANK of Massachusetts.
H.R. 3213: Mr. LATTA.
H.R. 3304: Mr. STEARNS.
H.R. 3471: Mr. SMITH of Washington, Mrs. CAPITO, and Mr. SHAYS.
H.R. 3563: Mr. CAPUANO and Mr. MCGOVERN.
H.R. 3599: Mr. CONYERS.
H.R. 3635: Mr. DAVIS of Illinois, Mr. SESTAK, and Mr. CLEAVER.
H.R. 3652: Mr. STUPAK.
H.R. 3660: Ms. HERSETH SANDLIN and Mr. LATOURETTE.
H.R. 3679: Mr. PETERSON of Minnesota.
H.R. 3698: Ms. SHEA-PORTER.
H.R. 3738: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3754: Ms. MATSUI, Mr. KIND, Mrs. BONO Mack, Mr. SHIMKUS, and Mr. BUTTERFIELD.
H.R. 3819: Mrs. NAPOLITANO and Mr. GORDON.
H.R. 3846: Ms. WASSERMAN SCHULTZ.
H.R. 3902: Mr. BOSWELL.
H.R. 3932: Mr. SNYDER and Mrs. MALONEY of New York.
H.R. 3934: Mr. BARTON of Texas and Mr. LARSEN of Washington.
H.R. 4063: Mr. FILNER and Mr. CUMMINGS.
H.R. 4126: Mr. PETRI, Mr. MANZULLO, Mrs. CHRISTENSEN, and Mr. DAVIS of Kentucky.
H.R. 4131: Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mrs. TAUSCHER, Mr. FILNER, Mr. BRALEY of Iowa, Mr. MITCHELL, Mr. ARCURI, Mr. RAHALL, Mr. MICHAUD, Mr. SALAZAR, Ms. HIRONO, Mr. LARSEN of Washington, and Mr. CARNAHAN.
H.R. 4169: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4206: Mr. TOWNS.
H.R. 4236: Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. SIRES, and Mr. ARCURI.
H.R. 4248: Mr. FARR, Mr. JONES of North Carolina, Mr. MCINTYRE, Mr. PATRICK MURPHY of Pennsylvania, and Ms. HOOLEY.
H.R. 4293: Mr. SOUDER.
H.R. 4296: Ms. DEGETTE.
H.R. 4318: Mr. KUHL of New York.
H.R. 4321: Mr. BISHOP of Georgia, Mrs. DRAKE, and Mr. WALZ of Minnesota.
H.R. 4335: Mr. HINCHEY and Ms. MCCOLLUM of Minnesota.
H.R. 4449: Mr. CAPUANO.
H.R. 4464: Mr. DEAL of Georgia, Mr. MORAN of Kansas, Mr. GRAVES, Mr. CONAWAY, Mr. LINDER, Mr. MARSHALL, and Mr. SULLIVAN.
H.R. 4540: Mr. COSTELLO.
H.R. 4611: Mr. ACKERMAN.
H.R. 4879: Ms. BALDWIN.
H.R. 4912: Ms. SCHWARTZ.
H.R. 4926: Mr. PORTER and Mr. VAN HOLLEN.
H.R. 4930: Mr. ENGLISH of Pennsylvania, Ms. HERSETH SANDLIN, Mr. PETERSON of Minnesota, Ms. MCCOLLUM of Minnesota, and Mr. GERLACH.
H.R. 4936: Ms. BERKLEY.
H.R. 4959: Ms. ESHOO, Ms. WATERS, and Ms. MATSUI.
H.R. 4987: Mr. BROUN of Georgia, Mrs. CUBIN, Mrs. CAPITO, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Ms. FALLIN, Mr. CAMPBELL of California, Mr. HAYES, Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, and Mr. SULLIVAN.
H.R. 5036: Mr. DELAHUNT, Mr. TIERNEY, Mr. STARK, Ms. SCHWARTZ, Ms. SHEA-PORTER, and Mr. COURTNEY.
H.R. 5057: Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Mr. DELAHUNT, and Mr. MORAN of Virginia.
H.R. 5058: Mr. FILNER, Mr. HODES, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. DELAHUNT, and Ms. HARMAN.
H.R. 5087: Mr. LOBIONDO and Mr. CHABOT.
H.R. 5131: Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. FORTUÑO, Mr. WILSON of South Carolina, and Mr. CULBERSON.
H.R. 5148: Mr. CONAWAY, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. CHABOT, and Mrs. EMERSON.
H.R. 5152: Ms. SCHAKOWSKY.
H.R. 5161: Mr. EHLERS, Mr. BLUMENAUER, and Mr. BARTLETT of Maryland.
H.R. 5167: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.
H.R. 5173: Mr. KLINE of Minnesota, Mr. WAMP, and Mr. GORDON.
H.R. 5180: Mr. LEWIS of Kentucky, Mr. ELLISON, Mr. COHEN, Mr. DELAHUNT, Mr. MICHAUD, Mr. CUMMINGS, Mr. ETHERIDGE, Mr. CLEAVER, Ms. SUTTON, Mr. DAVIS of Kentucky, Mr. HOLDEN, Mr. TOWNS, and Mr. KAGEN.
H.R. 5193: Mr. DAVIS of Illinois.
H.R. 5222: Mr. MCKEON, Mr. BUYER, Mr. BUCHANAN, Mr. FORTENBERRY, Mr. DENT, Mr. RADANOVICH, Mr. SHAYS, Mr. STEARNS, Mr. WHITFIELD of Kentucky, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, and Mr. BLUNT.
H.R. 5223: Mr. DELAHUNT, Mr. HOLDEN, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. MCCAUL of Texas, and Ms. LORETTA SANCHEZ of California.
H.R. 5229: Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. LAMPSON, Mr. TERRY, Mr. SMITH of Washington, and Mr. SIMPSON.
H.R. 5231: Mr. PERLMUTTER.
H.R. 5233: Ms. FOXX, Mr. WITTMAN of Virginia, Mr. MEEK of Florida, Mr. GERLACH, Mr. COBLE, and Mr. FRANKS of Arizona.
H.R. 5244: Mr. DELAHUNT, Ms. DELAURO, Mr. RAHALL, and Mr. BLUMENAUER.
H.R. 5265: Mr. UPTON, Mr. SAXTON, Mr. SESSIONS, Mr. KING of New York, Mr. WALZ of Minnesota, Mr. REYES, Mr. PAYNE, Mr. FERGUSON, Mr. BILBRAY, Mr. ELLISON, Mr. NEAL of Massachusetts, Ms. SUTTON, Mr. WHITFIELD of Kentucky, Mr. HOLDEN, Mr. ARCURI, Mr. GERLACH, and Mr. MCGOVERN.
H.R. 5268: Mr. WAXMAN.
H.R. 5292: Mr. SERRANO.
H.R. 5310: Mr. CALVERT.
H.R. 5335: Mr. BOREN, Mrs. EMERSON, and Mr. CRAMER.
H.J. Res. 67: Mr. KLINE of Minnesota, and Mr. WILSON of South Carolina.
H. Con. Res. 32: Mr. KINGSTON and Mr. BOOZMAN.
H. Con. Res. 120: Mr. SKELTON.
H. Con. Res. 250: Mr. STEARNS.
H. Con. Res. 260: Mr. TERRY.
H. Con. Res. 263: Mr. LATOURETTE and Mr. WHITFIELD of Kentucky.
H. Con. Res. 268: Mr. HINCHEY, Mrs. TAUSCHER, and Mr. SESTAK.
H. Con. Res. 275: Ms. WATSON.
H. Con. Res. 280: Ms. DEGETTE and Ms. WASSERMAN SCHULTZ.
H. Con. Res. 281: Mr. FORTENBERRY and Mr. HENSARLING.
H. Con. Res. 284: Mr. BROUN of Georgia.
H. Con. Res. 289: Ms. SCHAKOWSKY, Mr. DINGELL, Ms. WASSERMAN SCHULTZ, Mr. PASTOR, Mr. BRADY of Pennsylvania, and Ms. KILPATRICK.
H. Con. Res. 290: Mr. SESTAK, Mr. COHEN, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. LARSEN of Washington, Mr. SCHIFF, Mr. WEINER, and Mr. WILSON of South Carolina.
H. Res. 102: Mr. VAN HOLLEN.
H. Res. 105: Mr. SOUDER and Mr. MARCHANT.
H. Res. 111: Mr. CARTER.
H. Res. 127: Mr. FEENEY, Mr. PAYNE, Mr. JONES of North Carolina, Ms. HIRONO, Mr. SKELTON, Mr. GOODLATTE, Mr. ROGERS of Kentucky, Mr. FERGUSON, Mr. SIMPSON, Mr. WITTMAN of Virginia, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. BOUSTANY, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. WALSH of New York, Mr. SENSENBRENNER, Mr. REGULA, Mr. MCCOTTER, Mr. LATOURETTE, Mr. REHBERG, Mr. THORNBERRY, Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. MCNULTY, Mr. BOYD of Florida, Ms. KAPTUR, Mr. GILCHREST, Mr. RENZI, Mr. BERMAN, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. RUSH, Mr. HELLER, Mr. LAHOOD,

Mr. SALAZAR, Mr. MELANCON, Mr. HOLDEN, Mr. MICHAUD, Ms. LINDA T. SÁNCHEZ of California, Mr. CUMMINGS, Mr. WALDEN of Oregon, Mr. WOLF, Mr. REYNOLDS, Mrs. WILSON of New Mexico, and Mr. AKIN.

H. Res. 259: Mr. FOSSELLA, Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. WILSON of Ohio, Mr. JOHNSON of Georgia, and Ms. SUTTON.

H. Res. 356: Mr. FARR.

H. Res. 555: Mr. CAMP of Michigan.

H. Res. 700: Mr. PATRICK MURPHY of Pennsylvania.

H. Res. 733: Mrs. BOYDA of Kansas.

H. Res. 820: Ms. MCCOLLUM of Minnesota.

H. Res. 821: Mr. PENCE.

H. Res. 838: Mr. TIAHRT.

H. Res. 883: Ms. WASSERMAN SCHULTZ.

H. Res. 888: Mr. TURNER, Mr. Broun of Georgia, Mr. WAMP, Ms. FOXX, Mr. ROSS, Mr. GOODLATTE, Mr. LINCOLN DAVIS of Tennessee, Mrs. BLACKBURN, Mr. HOEKSTRA, Mr. PUTNAM, Mr. BARTON of Texas, Mr. SESSIONS, Mr. MANZULLO, Mr. PICKERING, Mr. WITTMAN of Virginia, Mr. COBLE, Mr. RAHALL, and Mr. LEWIS of Kentucky.

H. Res. 896: Mrs. CHRISTENSEN and Ms. BORDALLO.

H. Res. 917: Ms. RICHARDSON and Mr. ROTHMAN.

H. Res. 924: Mr. KAGEN, Mr. HONDA, Mrs. BOYDA of Kansas, and Ms. HIRONO.

H. Res. 925: Mr. PLATTS, Mr. WOLF, Ms. FALLIN, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, and Mr. HUNTER.

H. Res. 930: Mr. ALTMIRE and Mr. COHEN.

H. Res. 934: Mr. HENSARLING, Mr. BARTON of Texas, Mr. FATTAH, Mr. COOPER, Mr. SCHIFF, Mr. MOORE of Kansas, Ms. DEGETTE, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. MURPHY of Connecticut, Mr. DONNELLY, Mr. GRIJALVA, Mr. ALLEN, Mr. MCNERNEY, Mr. ROSS, Mr. RYAN of Ohio, Mr. SIRES, Ms. BERKLEY, Mr. BACA, Mr. BRALEY of Iowa, Mr. BOYD of Florida, Ms. ROYBAL-ALLARD, Mr. CUELLAR, and Ms. HOOLEY.

H. Res. 939: Mr. TERRY and Mr. COBLE.

H. Res. 945: Mr. CLEAVER.

H. Res. 951: Mr. BLUNT, Mr. BOYD of Florida, Mr. BRADY of Texas, Mr. CONAWAY, Mrs. CUBIN, Mr. DAVID DAVIS of Tennessee, Mr. DENT, Mr. DOOLITTLE, Mr. FERGUSON, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HARE, Mr. JOHNSON of Illinois, Mrs. MILLER of Michigan, Mr. PALLONE, Mr. PETERSON of Pennsylvania, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. ROSKAM, Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Mr. UPTON, Mr. WESTMORELAND, Mr. WOLF, Mrs. MCCARTHY of New York, Mr. COURTNEY, and Mr. FOSSELLA.

H. Res. 953: Mr. ISSA and Mr. LATTA.

H. Res. 954: Mrs. LOWEY.

H. Res. 958: Mr. HELLER, Mrs. MYRICK, Mr. KUHL of New York, Mr. LATTA, Mr. RADANOVICH, Mr. HUNTER, Mr. JORDAN, Mr. POE, and Mr. MCHENRY.

H. Res. 959: Mr. BURTON of Indiana, Mr. HENSARLING, Mr. BRADY of Pennsylvania, Mr. SESTAK, and Ms. BORDALLO.

H. Res. 960: Mr. THOMPSON of California and Mr. FERGUSON.

H. Res. 962: Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. HIGGINS, and Mr. WATT.

H. Res. 963: Mr. EDWARDS, Mr. ORTIZ, Ms. BORDALLO, Mrs. Boyda of Kansas, Ms. SUTTON, Mr. MAHONEY of Florida, Mr. HOLDEN, Mr. TOWNS, Mr. CARNEY, Mr. HINCHEY, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. CUELLAR, Mr. REYES, Mr. MITCHELL, Mr. GUTIERREZ, Mr. ETHERIDGE, Mr. GRIJALVA, Mr. HODES, Mr. SERRANO, Mr. COSTA, Ms. SHEA-PORTER, Mr. BACA, Mr. GONZALEZ, Mrs. MALONEY of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, and Mr. COHEN.

H. Res. 966: Mr. RUSH, Mr. COOPER, and Mr. BRADY of Pennsylvania.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts or a designee to H.R. 3521 the Public Housing Asset Management Improvement Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. REYES

The provisions that warranted a referral to the Permanent Select Committee on Intelligence in H.R. 5349 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 5349, do not contain any congressional earmaks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, FEBRUARY 12, 2008 No. 23

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of the universe, Creator of the human family, enlarge our minds and open the doors to our hearts that we may think Your thoughts and pattern our affections after Yours.

Guide the Members of this legislative body. Make them good managers of the different talents you have given them. May they use these gifts for the good of others. Lord, increase their respect for one another that they will seek first to understand rather than to be understood. Open their eyes to new horizons of truth that they have not known before. When they have to stand alone, when loyalty makes them unpopular, give them the courage to faithfully do Your will.

We pray in the Name of Him who is the truth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks that I will make and perhaps the Republican leader will make, we are going to resume consideration of the Foreign Intelligence Surveillance Act and will immediately proceed to a series of rollcall votes in relation to the remaining amendments and cloture on the bill. The managers are working on a couple of amendments to see if they can be accepted by voice vote. But there could be as many as nine rollcall votes. If we have not completed voting on these items prior to the caucus time, we will resume votes after the recess.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. MCCONNELL. Mr. President, today the Senate will finish the bipartisan Rockefeller-Bond bill. This bill is the product of months of painstaking negotiations between Senate Republicans and Democrats and benefitted from the participation of intelligence experts in the executive branch.

The overwhelming bipartisan vote in the Intelligence Committee reflected the care, concern, and good faith that went into crafting the bill. The final vote was not 15 to 0, but it was 13 to 2, which around here is pretty close.

The Rockefeller-Bond bill contained the two main ingredients that are needed to sign this bill into law. It will allow intelligence professionals to do their jobs, and it will not allow trial lawyers to sue the telecommunications companies that may have participated and, according to the intelligence, acted in good faith to help protect our country.

A bill that does not satisfy these two requirements will not become law, nor should it. And, in fact, Mr. President, I know the Senator from Missouri, our ranking member, is going to make the point that all of these amendments need to be defeated if, in fact, we are going to get a signature on this bill. It will be the only way in the end to protect our country.

Last week was a great example of what we can accomplish when we work with each other instead of against each other. We were able to pass an economic growth package on an overwhelming bipartisan basis which the President will sign tomorrow.

We have another chance this week to put up a bipartisan win by passing the Rockefeller-Bond bill, a bill that is critical to protecting the homeland from attack and protecting our forces fighting overseas.

I am confident that with the help of friends on the other side of the aisle, we can work through the pending amendments, send it over to the House, and then send it on to the President for his signature this week.

THE ABRAHAM LINCOLN BICENTENNIAL CELEBRATION

Mr. MCCONNELL. Mr. President, today on February 12, America celebrates the birthday of the greatest

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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leader our country has ever produced. And my home State of Kentucky has a front-row seat in the celebration.

Abraham Lincoln was born February 12, 1809, in a log cabin 3 miles south of Hodgenville, KY. The one-room cabin measured 16 by 18 feet, had a dirt floor, and no glass in the windows.

The future President was born with no advantages in life except for a strong curiosity and a sterling character. By the end of his life, this man of humble background had united our country by demonstrating leadership during America's time of greatest crisis, and he showed our country the true value of the Declaration of Independence by asserting that there must be no exceptions to the ideal that all men are created equal.

Two centuries later, America looks back with gratitude at our 16th President by celebrating the Lincoln Bicentennial. The Commonwealth of Kentucky can take special pride in the fact that Lincoln was one of our own, and the Lincoln Bicentennial's opening ceremonies will take place in Hodgenville. So begins a 2-year event celebrating the great emancipator's life and legacy. All across the country, from the State capital in Springfield, IL, where Lincoln served as a legislator, to here in Washington, DC, where Lincoln served as a wartime Commander in Chief, Americans will celebrate this important figure in our national story.

This time will be exciting for teachers, students, and any adult who loves American history. I know Kentucky's friendly neighbors to the north in Illinois often claim Lincoln as their own. Their license plates even say so. But Lincoln was born and spent his formative years in Kentucky, which surely must have shaped the man he became, and he would never have denied his Kentuckian heritage.

In fact, in 1861, as he traveled east to Washington to begin his term as President, Lincoln wrote a speech that he intended to deliver in Kentucky but never got a chance to do. In it, he crafted these words: ''Gentlemen, I too, am a Kentuckian.''

So it is appropriate that the Lincoln Bicentennial celebration begins in the same State that the man himself did. I hope every Kentuckian and every American will take advantage of this opportunity to explore this exciting chapter in American history.

I yield the floor.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. REID. Mr. President, the order before the Senate allows me and the Republican leader 10 minutes any time during this debate to make a presentation. I will do that later. I do want to say, based on the remarks of the distinguished Republican leader, I, too, appreciate the work of Senator ROCKEFELLER and Senator BOND, but I also appreciate the work done by the Judiciary Committee and Senator LEAHY. As a result of that work, the bill has already been made better and, hopefully, we can adopt some of these amendments today.

We, for example, have as a result of the work done by the Judiciary Committee a compromise reached on a number of amendments that have made this bill better, including a Feingold amendment providing Congress with FISA Court documents that will facilitate congressional oversight and enable Congress to better understand the court's interpretation of the laws we passed; a Whitehouse amendment giving the FISA Court the discretion to stay lower FISA Court decisions pending appeal rather than requiring a stay; a Kennedy amendment providing that under the new authority provided by this bill the Government may not intentionally acquire communications when it knows ahead of time that the sender and all intended recipients are in the United States.

The bill has been made better. The bill that Senator ROCKEFELLER and Senator BOND did is not a bill that is perfect in nature, and I hope they will acknowledge that point. The bill has been made better as a result of work done by the Judiciary Committee. We have members of the Intelligence Committee who also serve on the Judiciary Committee. Two who come to my mind are Senator FEINSTEIN and Senator WHITEHOUSE. They have worked very hard in the Intelligence Committee and the Judiciary Committee to improve this legislation.

We should understand where we are. We are now doing different wiretaps, and I think the situation today that is so concerning to most of us is the President has been advised by his lawyers that he does not have to follow the law anyway. Whatever we do here, he has been told by his lawyers that he need not follow the law. He can do whatever he wants; he is the boss; he is someone who does not have to follow the law, does not even have to give a signing statement saying he rejects it. He can just go ahead and do it.

I do not think this should be a day of celebration. This should be a day of concern for the American people. I am very happy we have been able to improve the product that came out of the Intelligence Committee. Hopefully, by the voting today we can improve it more.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Feingold/Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond/Rockefeller modified amendment No. 3938 (to amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Feinstein amendment No. 3910 (to amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter/Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

Mr. ROCKEFELLER. I say to the Presiding Officer, it is my understanding that the first amendment is minimization compliance review by Senator WHITEHOUSE.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, first of all, we thank all our colleagues for coming to this point where we can have votes and finally get this bill out, which we started in December. It is a very important bill. We have worked together on a bipartisan basis and resolved almost all issues.

The amendment offered by our colleague from Rhode Island has been modified in a way that I believe improves it, makes it effective, makes it work for the intelligence community, and achieves the very important goals that the Senator from Rhode Island has sought to achieve.

I ask that I be added as a cosponsor to this modified amendment. I believe, Mr. President, we can accept it by voice vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I simply would also like to be added as a cosponsor, and I congratulate Senator WHITEHOUSE, Senator BOND, and others for doing an outstanding piece of work in resolving the differences on this extremely important enforcement mechanism.

AMENDMENT NO. 3920, AS MODIFIED

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have at the desk a modification to amendment No. 3920.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

On page 69, after line 23, add the following:

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

Mr. WHITEHOUSE. Mr. President, much of the FISA battle in which we have been engaged over the weeks that it has taken to resolve this issue has been over trying to do two things: one, to fit this program within the separation of powers principles of the American system of government and, two, to make the rights of Americans consistent with what they enjoy stateside in law enforcement investigations.

This amendment is a valuable step in both of those directions, and it solves the minimization issue that had been in dispute.

I appreciate very much the roles of Chairman ROCKEFELLER, Vice Chairman BOND, FBI Director Mueller, and DNI counsel Powell in getting us to a voice vote on this bipartisan amendment.

Mr. President, I ask unanimous consent that amendment No. 3920, as modified, be adopted by voice vote.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. If there is no further debate, the question is on agreeing to amendment No. 3920, as modified.

The amendment (No. 3920), as modified, was agreed to.

Mr. ROCKEFELLER. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3910

The ACTING PRESIDENT pro tempore. The question is now on amendment No. 3910 offered by the Senator from California.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that there is 2 minutes evenly divided; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, the purpose of this amendment is to strengthen the legal requirement that FISA is the exclusive authority for the electronic surveillance of Americans. When FISA was written in 1978, it followed 30 years of warrantless surveillance of communications and telegrams of hundreds of thousands of Americans sending messages outside the country. This would stress that FISA is the legal way for the collection of electronic surveillance against Americans.

In 2001, the administration decided they would not take the Terrorist Surveillance Program to the FISA Court, that they would perform this program outside of FISA, and it took until January of 2007 to bring this within the confines of FISA where it is to this day.

I think we need to make a strong statement in this bill that FISA is the exclusive authority for the electronic surveillance of all Americans, and this amendment aims to do that. It provides penalties for moving outside of the law, and I believe it would strengthen the opportunity to prevent the Chief Executive, either now or in the future, from moving outside of this law.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, the bill before us, S. 2248, already has an exclusive means provision that simply restates the congressional intent back in 1978 when FISA was enacted to place the President at his lowest ebb of authority under the Constitution, which gives him power over foreign intelligence. Unfortunately, this amendment is a significant change of the bipartisan provision in the Intelligence Committee bill, and therefore I would urge my colleagues to oppose it.

During the next attack on our country or in the face of an imminent threat, Congress may not be in a position to legislate an authorization. Yet the bottom line is, we just don't know what tomorrow will bring. This provision would raise unnecessary legal concerns that might impede the effective action of our intelligence community to protect this country.

Further, because this amendment does not address warrantless surveillance in times of war and national emergency following an attack on our country, it does not provide enough flexibility for intelligence collectors. I am concerned this will cause operational problems.

Mr. President, I urge the defeat of this amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I strongly support this amendment. I think it has very good delineation between how decisions are made. The FISA Court needs to be a part of this. I urge my colleagues to support the amendment.

I thank the senior Senator from California for offering this amendment, and for all of her work on ensuring that we have an appropriately drafted exclusivity provision. Senator FEINSTEIN's amendment is critical to both our work on this bill and to our oversight of the intelligence community.

To understand the importance of the Feinstein amendment, we must look at both existing statutes and recent events.

There is already an exclusivity provision in the United States Code. It was enacted as part of the original Foreign Intelligence Surveillance Act in 1978 and placed, where it exists now, in title 18, the criminal law title of the United States Code.

That provision makes the Foreign Intelligence Surveillance Act and certain criminal wiretapping provisions the ''exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral and electronic communications may be conducted.'' Although the intent of Congress is clear from this language, recent history raises concerns about the adequacy of this provision.

In December of 2005, the American people and most of Congress learned for the first time that, shortly after the terrorist attacks of September 11, 2007, the President had authorized the National Security Agency to conduct certain surveillance activities within the United States.

In publicly justifying the legality of this program, the White House asserted that Congress had authorized the President's program by enacting an authorization for use of military force after September 11.

The authorization passed on September 14, 2001, did not mention electronic surveillance. Nor did it mention any domestic intelligence activities. Given the nature of both the authorization and the time in which it was passed, it is very unlikely that it occurred to anyone in Congress that the President might use this authorization to justify his position that the existing statute making FISA the exclusive means for conducting electronic surveillance no longer applied.

I have expressed my dismay in the past about the legal arguments that the President used to justify the surveillance program. We are still working through the many problems caused by the President's decision to go forward without input from Congress or the courts.

But no matter what the President should have done at the time, Congress now has an obligation to act to prevent this misuse of legislation. Having finally made the right decision in early 2007 to bring his entire program under the FISA Court, the President is no longer using the 2001 Authorization for the Use of military force as a justification to disregard FISA. But we must ensure that neither this President nor a future one resurrects the discredited argument that the 2001 authorization for the use of military force is a blank check for such lawlessness.

Section 102 of the Intelligence Committee bill prevents that abuse. Section 102 enacts an exclusivity provision as a new section 112 of FISA, and lists all statutes now in effect that constitute authority for electronic surveillance. This list is a clear statement of congressional intent: Congress did not intend any other presently-existing statutes to constitute an exception to FISA.

Conspicuously absent from the exclusive list is the 2001 authorization for the use of military force. The omission of the 2001 authorization from the complete list that will now be enacted in 2008 is a conclusive statement that the 2001 authorization may never again be used to circumvent FISA.

Senator FEINSTEIN's amendment takes exclusivity one important step further. It is designed to ensure that no future President interprets a statute that does not explicitly mention electronic surveillance as an exception to the FISA exclusivity requirement. This would be an absolutely incorrect interpretation of existing law. Senator FEINSTEIN's amendment ensures that no President will again make this mistake.

Senator FEINSTEIN's amendment addresses the possible impact of future statutes by adding language to the exclusivity section that states that only an express statutory authorization for electronic surveillance will constitute an additional exclusive means for electronic surveillance.

By requiring ''express statutory authorization,'' Congress anticipates that a statute will only constitute an exception to FISA if it explicitly discusses electronic surveillance. Only those statutes listed in the FISA exclusivity section of the Intelligence Committee bill currently meet that standard.

The amendment therefore ensures that general statutes enacted in the future do not become the basis for exceptions to the FISA exclusivity provision. It also applies criminal and civil penalties for any electronic surveillance done outside of the list of authorized statutes.

The Feinstein amendment being offered today also resolves the operational concerns raised by the Director of National Intelligence about the exclusivity provision in the Judiciary Committee's amendment to the bill. Senator FEINSTEIN's amendment does not include the undefined term ''communications information'' and therefore does not bar the acquisition of information that is currently authorized under other statutes.

Existing statutes as well as the current bill provide the intelligence community with mechanisms to obtain the intelligence the country needs in a legal manner, with the oversight of the courts. There is no need for this President, or any future President, to set aside the lawful, well-overseen procedures of FISA in favor of a secret intelligence program.

Both the Intelligence and Judiciary Committees have done a significant amount of work, on a bipartisan basis, to draft a bill that allows the collection of needed intelligence while still protecting the civil liberties of U.S. persons. Senator FEINSTEIN's amendment helps to make sure that this work will not simply be ignored by this President or any future President.

Mr. BOND. Mr. President, I would note that the Intelligence Committee debated this and accepted a return to the original FISA exclusive means provision, which I think we should maintain, and I urge opposition.

S. 2248 already has an exclusive means provision that is identical to the first part of this amendment. That provision simply restates Congress's intent back in 1978 when FISA was enacted to place the President at his lowest ebb of authority in conducting warrantless foreign intelligence surveillance.

The current exclusive mean provision in S. 2248 was acceptable to all sides because it maintains the status quo with respect to the dispute over the President's constitutional authority to authorize warrantless surveillance.

Unfortunately, this amendment is a significant expansion of the bipartisan provision in the Intelligence Committee's bill.

It goes further by stating that only an express statutory authorization for electronic surveillance, other than FISA or the criminal wiretap statutes, shall constitute additional exclusive means.

This attempts to prohibit the President's exercise of his judicially recognized article II authority to issue warrantless electronic surveillance directives.

It also would require that future authorizations for the use of military force, AUMFs, expressly state that they authorize the use of additional electronic surveillance.

I am concerned that this amendment would tie the President's hands following a national emergency or imminent threat of attack on our country—and prevent actions or intelligence collection that may be necessary for our safety and survival.

While FISA currently has provisions that allow the President to conduct electronic surveillance, physical searches, or install pen register/trap and trace devices for 15 days following a declaration of war, these authorities are simply insufficient against the current terrorist threats our country faces.

Let's think this through for a minute. During the next attack on our country, or in the face of an imminent threat, the Congress may not be in a position to legislate an express authorization of additional means. We may not be in a position to formally declare war against an unknown enemy.

What if there is intelligence information about an imminent threat of attack, but Congress is in a lengthy recess, over a holiday? What if there are simultaneous terrorist attacks across the country, impeding air travel so that Members cannot return to Washington, DC?

The bottom line is, we just don't know what tomorrow will bring. Yet this provision would raise unnecessary legal concerns that might impede effective action by the executive branch to protect this country.

I have the utmost respect for Senator FEINSTEIN. She has played a key role in this FISA modernization process.

While our views on the President's constitutional authority may differ, she did convince me that a bipartisan FISA bill should restate the exclusive means concept in the originally enacted FISA statute.

And over the past several weeks, Senator FEINSTEIN and I tried to come up with a further compromise, one that would expand this simple restatement but would also allow the President to act in the event of a national emergency, or following an AUMF or declaration of war.

Unfortunately, we could not reach an agreement. I believe that if we are going to declare that the President should follow the current FISA framework, then we need to make sure that that framework is flexible enough to address the grave threats of terrorism that threaten our country—and that means giving the President the ability to conduct warrantless electronic surveillance, physical searches, or installing pen register/trap and trace devices, for a reasonable period of time. This amendment does not provide this flexibility.

I have other concerns with this amendment. It would make members of the intelligence community who conduct electronic surveillance at the direction of the President subject to the FISA criminal penalty provisions of a $10,000 fine and imprisonment for not more than 5 years. Also, it is likely these criminal penalties would apply to any service provider who assisted the government in conducting such electronic surveillance.

I don't care what the skeptics and critics have said about the President's Terrorist Surveillance Program; the Constitution trumps the FISA statute.

If a government employee—or a provider—acts under the color of the President's lawful exercise of his constitutional authority, that employee should not be subject to criminal penalty.

In my opinion, the current restatement of exclusive means is fair and keeps the playing field level.

Ultimately, the Supreme Court will decide whether Congress has the authority to limit the President's authority to intercept enemy communications.

Until then, it is my hope that we don't try to tilt the balance in a way that we may someday come to regret.

I urge my colleagues to vote against this exclusive means amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to

amendment No. 3910. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—57

Akaka	Feinstein	Nelson (FL)
Baucus	Hagel	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lincoln	Sununu
Craig	McCaskill	Tester
Dodd	Menendez	Voinovich
Dorgan	Mikulski	Webb
Durbin	Murkowski	Whitehouse
Feingold	Murray	Wyden

NAYS—41

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Stevens
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Coleman	Isakson	Warner
Corker	Kyl	Wicker
Cornyn	Lieberman	

NOT VOTING—2

Clinton	Graham

The ACTING PRESIDENT pro tempore. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3979

There will now be 2 minutes of debate equally divided on amendment No. 3979 offered by the Senator from Wisconsin, Mr. FEINGOLD.

Mr. FEINGOLD. Mr. President, the Feingold-Webb-Tester amendment lets the Government get the information it needs about terrorists and about purely foreign communications, while providing additional checks and balances for communications between people in the United States and their overseas family members, friends, and business colleagues.

It has the support of nine cosponsors. All this amendment does is require the Government to take extra steps to protect the privacy of Americans on U.S. soil when it knows it has collected their communications.

This amendment in no way hampers our fight against al-Qaida and its affiliates. This is not about whether we will be effective in combatting terrorism. This is about whether Americans at home deserve more privacy protections than foreigners overseas.

This is about separation of power, whether anyone outside the executive branch will oversee what the Government is doing with all the communications of Americans it collects inside the United States. I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, the purpose of this bill is to make sure we are able to get information when we target a foreign terrorist overseas.

This applies a different standard to someone in the United States who may be picked up on one of those calls than we apply within our own country. If the FBI gets a warrant to listen in on a drug dealer and that drug dealer has lots of conversations, if the drug dealer is talking about a criminal operation, then the FBI acts on it. If it is innocent, the FBI, the interceptors minimize or suppress that evidence, they do not sequester it, they do not have to go through the hoops that are required for a recipient of a telephone call from a foreign terrorist overseas.

There is no reason why, when we have no challenges and no question that minimization is adequate to protect innocent Americans, that they need a higher level of protection when they are talking to a foreign terrorist than when they are talking to a U.S. drug dealer.

I urge the defeat of this amendment.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I strongly oppose this amendment.

This amendment would prohibit the Government from acquiring any communication under title VII of the bill if the Government knows before or at the time of acquisition that the communication is to or from a person reasonably believed to be located in the United States, unless the Government follows the sequestration procedures set forth in the legislation.

I see a number of problems with this amendment and I strongly oppose it.

I am afraid that the practical effect of this amendment would be to restrict the scope of the collection authority under the bill to international terrorism. Under the terms of this amendment, no other important foreign policy or national security target could be pursued unless the Government goes through a process that appears to be basically unworkable.

Neither the Intelligence Committee nor the Judiciary Committee limited the scope of the authority in this bill to international terrorism. Both committees anticipated that the flexibility provided by this bill could be used against the gamut of foreign targets overseas with respect to proliferation, weapons development, the clandestine intelligence activities of our enemies, and other priorities. The full Senate should not limit the scope of this bill to one area of foreign intelligence.

A second problem with this amendment is the new, cumbersome procedures it would impose involving the sequestration of information if the communication is to or from a person in the United States. The amendment seems to require that the Attorney General must make an application to the FISA Court to have access to this information for more than 7 days, even if the communication, for instance, concerns international terrorist activities directed against the United States.

While I share the Senator's goal of protecting the privacy interests of Americans, I am afraid this amendment is unworkable.

It bears repeating that what we are trying to do in S. 2248 is modernize the Foreign Intelligence Surveillance Act so that FISA Court orders are not required when the Government is targeting non-U.S. persons overseas to collect foreign intelligence information. And we are trying to do this in a way that protects the privacy interests of U.S. persons.

We thus have included in S. 2248 numerous protections for U.S. persons—both when they are the specific targets of Government surveillance and when their communications are intercepted as the incidental result of the Government acquiring the communications of a foreign target.

The Feingold sequestration amendment does not achieve the appropriate balance of privacy and national security. It appears to me that requirements already in S. 2248, including the requirement that minimization procedures for this collection activity be approved by the FISA Court, represent a much better approach for balancing the national security and the privacy interests of U.S. persons.

I urge the amendment be defeated.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—35

Akaka	Durbin	Obama
Baucus	Feingold	Reed
Biden	Harkin	Reid
Bingaman	Kennedy	Salazar
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Byrd	Kohl	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Webb
Casey	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Murray	

NAYS—63

Alexander	Dole	McCain
Allard	Domenici	McConnell
Barrasso	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feinstein	Nelson (FL)
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Pryor
Bunning	Hagel	Roberts
Burr	Hatch	Rockefeller
Carper	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Inouye	Smith
Cochran	Isakson	Snowe
Coleman	Johnson	Specter
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Wicker

NOT VOTING—2

Clinton	Graham

The amendment (No. 3979) was rejected.

Mr. BOND. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3907

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3907 offered by the Senator from Connecticut, Mr. DODD. There are 2 minutes of debate time equally divided, and the time on the remaining amendments will be strictly enforced.

The Senator from Connecticut.

Mr. DODD. Mr. President, let me, first of all, thank my colleague from Wisconsin, Senator FEINGOLD, for his cosponsorship of this amendment, along with a number of other Members of this body who have joined us in this effort.

I thank the chairman and ranking member. My colleagues should know, initially the administration sought to grant immunity to all participants in this telecommunications surveillance program. The chairman and ranking member disagreed with that. However, they have provided retroactive immunity to some 16 phone companies. One of the phone companies refused, of course, to comply with this 5-year surveillance program that was granted without a warrant, without a court order.

I believe it is dangerous in setting a precedent for us today to grant that retroactive immunity without insisting the courts—as they are designed to do—should determine the legality or illegality of this program.

There are four committees of the U.S. Congress that have considered this issue. Three of the committees have rejected retroactive immunity. Only the Intelligence Committee of this body has decided to include it. I believe we ought to strike that provision and allow the court to do its job. That is what this amendment does, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, this carrier liability provision is an essential part of this bill. If we permit lawsuits to go ahead against carriers alleged to have participated in the program, there will be more disclosures in discoveries and pleadings of the means of collecting information, disclosing our most vital methods of collecting information.

Secondly, if we permit the carriers that may or may not have participated to be sued in court, then the most important partners the Government has—the private sector—will be discouraged from assisting us in the future.

The Intelligence Committee—the one committee that has looked at this—reviewed it and said these companies acted in good faith and, therefore, we should give them retroactive immunity.

I yield the remainder of my time to the distinguished chairman.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I strongly oppose this amendment. It is, of course, the whole shooting match. Substitution was brought up in the Judiciary Committee, and it was defeated. This, I believe, is the right way to go for the security of the Nation.

Mr. President, Senators DODD and FEINGOLD have offered an amendment to strike title II of the Intelligence Committee bill.

Title II addresses, in the narrowest way possible, a number of different underlying issues related to the past and future cooperation of providers. Any suggestion that it deals only with liability protection for providers related to the President's program fails to consider the title of the bill as a whole.

Unlike the Government's initial immunity proposals, title II does not try to address all of the different kinds of problems in one sweeping immunity provision that might provide immunity in situations where it is not deserved. Instead, it addresses each problem individually.

Let's look at the first problem. Under existing law, providers are entitled to protection from suit if they act pursuant to a FISA court order or if they receive a particular certification from the Attorney General. Senators DODD and FEINGOLD point to this existing immunity provision— which may be based solely on the certification of the Attorney General—to suggest that no further immunity is needed. But this suggestion ignores the situation in the current lawsuits.

The Government has not allowed the providers who have been sued to publicly disclose whether or not they assisted the Government. Providers, therefore, cannot reveal whether they are already entitled to immunity, or even whether they declined to cooperate with the intelligence community.

In other words, even those providers who were not involved in the President's program or who acted only pursuant to a valid court order cannot extricate themselves from these lawsuits.

Section 203 of the Intelligence Committee bill, therefore, creates a mechanism within FISA that allows courts to review whether providers should be entitled to immunity under existing law, without revealing whether or not the provider assisted the intelligence community. The Dodd-Feingold amendment to strike title II strikes this provision, which protects those providers who indisputably complied with existing law.

There is a second problem that has not been widely discussed. Providers are currently subject to investigations by State public utilities commissions, which seek information about the relationship between the providers and Federal Government.

These State investigations essentially seek to force disclosure of classified information about the nature and extent of the information obtained by the intelligence community from communication providers. This inquiry into the conduct of the Federal Government is not an appropriate area for State regulation.

Section 204 of the Intelligence Committee bill, therefore, creates a new section of FISA that preempts State investigations that seek to force disclosure of classified information about the conduct of the Federal intelligence relationship between the provider and the intelligence community.

Finally, section 202 provides retrospective immunity for the participation of telecommunication companies in the President's warrantless surveillance program. We need to be very clear on the parameters of this section. It does not simply clean the slate for the actions of communications providers in the aftermath of 9/11.

In order for a provider to obtain liability protection, the Attorney General must certify that a company's actions were based on written assurances of legality, and were related to a communications intelligence activity authorized in the relevant time period.

Because these certifications require the Attorney General to have determined that legal requirements have been met and that the program was designed to detect or prevent a terrorist attack, an area where assistance would clearly be required, they parallel existing statutory requirements for immunity. Before immunity can be granted, the bill also requires the court to conduct a case-by-case review to ensure that the Attorney General did not abuse his discretion.

It is important to understand why the Intelligence Committee included this provision in our bill. After hearing from witnesses and reviewing documents, the committee concluded that the providers who assisted the Government acted in good faith, with a desire to help the country prevent another terrorist attack like those committed on September 11, 2001.

Even more importantly, however, the committee recognized that, because of the ongoing lawsuits, providers have become increasingly reluctant to assist the Government in the future. Given the degree to which our law enforcement agencies and intelligence community need the cooperation of the private sector to obtain intelligence, this was simply an unacceptable outcome.

Senators DODD and FEINGOLD have suggested that including the provision on liability protection as part of the bill is a sign of support for the President's program. It is not. It is simply a mechanism to ensure that accountability for the President's program lies with those who are truly responsible for it: The Government officials who represented to these companies that their actions were in accordance with the law. And it is a way to ensure that the intelligence community obtains the assistance it needs from the private sector to keep us safe.

The question of whether the President's warrantless surveillance program was legal, or whether it violated constitutional rights, can and must be answered. Likewise, if administration officials improperly violated the privacy of innocent U.S. persons by conducting this warrantless surveillance, they should be held accountable.

But suing private companies who may have cooperated with the Government is neither an appropriate accountability mechanism nor the best way to obtain answers to questions about the legality of the program, nor is it the appropriate way to encourage public disclosure of information about the program.

The Intelligence Committee's bill does not prevent Congress from conducting its own oversight of these issues, or even from creating alternative mechanisms to seek those answers. It also allows suits against the Government to go forward.

I encourage my colleagues to come up with appropriate alternatives for review of the President's program; alternatives that will ensure both that the story of the President's program is made available to the public in a manner consistent with the protection of national security information and that Government officials are held accountable for any wrongdoing in which they may have been involved.

What we must not do, however, is to make companies that cooperated with the Government in good faith bear the brunt of our anger towards the President and other Government officials about the warrantless surveillance program; our intelligence community's future relationship with the private sector is simply too important.

Protection from liability is simply a way to ensure that the next President has the cooperation of these companies both to obtain intelligence to protect the country and to protect the privacy interests of U.S. persons.

I, therefore, urge you to oppose the Dodd-Feingold amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—31

Akaka	Dorgan	Murray
Baucus	Durbin	Obama
Biden	Feingold	Reed
Bingaman	Harkin	Reid
Boxer	Kennedy	Sanders
Brown	Kerry	Schumer
Byrd	Klobuchar	Tester
Cantwell	Lautenberg	Whitehouse
Cardin	Leahy	Wyden
Casey	Levin	
Dodd	Menendez	

NAYS—67

Alexander	Ensign	Murkowski
Allard	Enzi	Nelson (FL)
Barrasso	Feinstein	Nelson (NE)
Bayh	Grassley	Pryor
Bennett	Gregg	Roberts
Bond	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Carper	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Wicker
Dole	McConnell	
Domenici	Mikulski	

NOT VOTING—2

Clinton	Graham

The amendment (No. 3907) was rejected.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 3912

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3912, offered by Mr. FEINGOLD of Wisconsin. There are 2 minutes of debate evenly divided.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, this amendment was approved by the Senate Judiciary Committee. It ensures that in implementing the new authorities provided in the bill, the Government is acquiring the communications of targets from whom it seeks to obtain foreign intelligence information and that it is not indiscriminately collecting all communications between the United States and overseas.

This amendment is necessary because of the vast and overbroad authorities provided by the PAA in this bill. In public testimony, the DNI stated that the PAA could authorize this type of bulk collection and could cover every communication between Americans inside the United States, in Europe, in South America, or the entire world. He also said that the Government is not actually engaging in this type of broad bulk collection but that it would be ''desirable.''

This amendment would not impede in any way collection in support of military operations, as the opponents continue to falsely assert. This extremely modest amendment would, however, oppose a massive bulk collection dragnet, which Chairman ROCKEFELLER has even acknowledged would violate the Constitution.

I urge support for the amendment.

Mr. ROCKEFELLER. Mr. President, I oppose this amendment.

The Senator from Wisconsin is offering an amendment that he argues will prevent what he calls ''bulk collection.'' The amendment is intended, as described by the Senator from Wisconsin, to ensure that this bill is not used by the Government to collect the contents of all the international communications between the United States and the rest of the world. The Senator argues that his amendment will prevent ''bulk collection'' by requiring the Government to have some foreign intelligence interest in the overseas party to the communications it is collecting.

I regret to say that I must oppose this amendment. I do not believe it is necessary. I do believe as drafted the amendment will interfere with legitimate intelligence operations that protect the national security and the lives of Americans.

In considering amendments today, we need to consider whether an amendment would provide additional protections for U.S. persons and whether it would needlessly inhibit vital foreign intelligence collection. I do not believe the amendment as drafted provides additional protections. Furthermore, intelligence professionals have expressed their concern that this amendment would interfere with vital intelligence operations and there are important classified reasons underlying that concern.

Let us review the reasons why the amendment is unnecessary: first, bulk collection resulting in a dragnet of all of the international communications of U.S. persons would probably be unreasonable of the fourth amendment. No bill passed by the Senate may authorize what the fourth amendment prohibits. What is more, the committee bill, in fact, explicitly provides that acquisitions authorized under the bill are to be conducted in a manner consistent with the fourth amendment.

Second, the committee bill stipulates that acquisitions under this authority cannot intentionally target any person known to be located in the United States. And, to target a U.S. person outside the United States, the government must get approval from the FISA Court.

Third, the committee bill increases the role of the FISA Court in supervising the acquisition activities of the Government. The bill requires Court approval of minimization procedures that protect U.S. person information. It maintains the prior requirement of Court approval of targeting procedures.

In the unlikely event that the FISA Court would give its approval to targeting procedures and minimization procedures that allowed the Government to engage in unconstitutional bulk collection, the committee bill also strengthens oversight mechanisms in the executive and legislative branches. These mechanisms are intended to ensure such activity is detected and prevented.

The sponsor of the amendment says that his amendment only requires the Government to certify to the FISA Court that it is collecting communications of targets for whom there is a foreign intelligence interest.

But the committee bill already requires the Attorney General and the Director of National Intelligence to certify to the FISA Court that the acquisition authorized under the bill is targeted at persons outside the United States in order to obtain foreign intelligence information.

Because the remedy does not improve upon the protections in the bill for Americans, and places new burdens on the surveillance of foreign targets overseas, I thus oppose the amendment and urge it be rejected.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is a clear delineation in this bill. We permit targeting of foreign terrorists overseas, or Americans, with a court order. This doesn't permit listening in on bulk collections of communications involving innocent Americans. The only American who is going to be listened in on is one calling to or receiving a call from a terrorist.

I urge defeat of this amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3912.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN, I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Idaho (Mr. CRAIG).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—37

Akaka	Durbin	Murray
Baucus	Feingold	Obama
Biden	Feinstein	Reed
Bingaman	Harkin	Reid
Boxer	Kennedy	Salazar
Brown	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Tester
Casey	Leahy	Whitehouse
Conrad	Levin	Wyden
Dodd	McCaskill	
Dorgan	Menendez	

NAYS—60

Alexander	Domenici	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Nelson (FL)
Bayh	Grassley	Nelson (NE)
Bennett	Gregg	Pryor
Bond	Hagel	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Carper	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	Webb
Dole	McConnell	Wicker

NOT VOTING—3

Clinton	Craig	Graham

The amendment (No. 3912) was rejected.

Mr. BOND. I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3938

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938 offered by the Senator from Missouri.

Mr. BOND. Mr. President, with the distinguished chairman of the committee, we offer this amendment responding to a request made by the Director of National Intelligence when he sent up his recommendations to us last April. He and the Attorney General strongly support this amendment because it adds proliferators of weapons of mass destruction to the definition in FISA of agent of a foreign power, foreign intelligence information, use of information, and physical searches. This amendment applies only to non-U.S. persons.

Making these definitional changes will allow the Government to target for surveillance those who seek to spread this dangerous technology and will enable the intelligence community to share information with other agencies. It remains a central concern for our national security, whether done by terrorists, criminals or other nations.

I believe we can accept this amendment on a voice vote. I turn to my distinguished chairman for his comments.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I support this amendment.

It closes a gap in the Foreign Intelligence Surveillance Act. The amendment expands the definition of certain key terms in the law in order to enhance the Government's ability to obtain FISA coverage of individuals involved in the international proliferation of weapons of mass destruction.

Although the international proliferation of WMD is one of the most serious threats facing the nation, the Government cannot now get a FISA Court order for individuals believed to be engaged in international proliferation of weapons of mass destruction unless the Government can also show a close link between the trafficker and a foreign Government or an international terrorist organization.

Too often, this connection only becomes clear at the completion of the target's proliferation activity. With this amendment, the Government will be able to conduct electronic surveillance and physical searches, with a FISA Court order, at a much earlier stage in an individual's proliferation activities.

It should be understood that this amendment is intended to broaden FISA coverage only in those instances in which the individual is involved in international proliferation activities. The amendment is intended to cover those who are engaged in activities involving proliferation of weapons of mass destruction, which include under the terms of the amendment biological, chemical and radiological weapons and destructive devices that are intended to or that actually do have a capability to cause death or serious bodily injury to a significant number of people.

This amendment will enhance our efforts to acquire foreign intelligence information to detect and disrupt the international proliferation of weapons of mass destruction.

The vice chairman is to be applauded for addressing this issue and I urge passage.

Mr. FEINGOLD. Mr. President, I must oppose Bond amendment No. 3938. I do not object to expanding FISA to cover dangerous individuals involved in the international proliferation of weapons of mass destruction, which is the primary goal of this amendment.

But this amendment is drafted in such a way that its effect would be

much broader and could result in wiretaps issued by the secret FISA Court being directed at U.S. companies and U.S. universities that are engaged in perfectly legal research efforts or that are legally and legitimately working with materials that have multiple purposes and that aren't intended to be used for weaponry at all.

In fact, the American Library Association and the Association of Research Libraries have expressed serious concern about this amendment. Here is what they said: ''While we can appreciate the concerns for those wanting FISA to address the issues of international proliferation of WMDs, the language appears to also expose to secret wiretaps those U.S. academic researchers, universities and companies doing legal research into conventional and chemical/biological weapons.'' Mr. President, that is simply not acceptable.

Let me be clear: This amendment expands the core provisions of FISA that authorize wiretaps and secret searches of the homes and offices of people inside the United States. This is not about extending the new authorities provided in the Protect America Act and reauthorized by the Intelligence Committee bill.

It is one thing to permit secret court-ordered foreign intelligence wiretaps of people in this country who are intentionally engaged in the international proliferation of WMD. But because of the way this amendment is drafted, it would go far beyond just authorizing wiretaps for these types of dangerous criminals.

The biggest problem with the amendment is that it does not require that the people being wiretapped be involved in any criminal activity. This means that companies and individuals engaged in perfectly legal and legitimate biological, chemical, nuclear or other research could be wiretapped under this provision.

I don't understand this. Under FISA today, while foreign government officials can be surveilled to gain foreign intelligence even if they are not breaking the law, foreign terrorist suspects not associated with a government who are in the United States can only be wiretapped if they are involved in criminal activities. That requirement helps ensure that innocent people engaged in, say, legal protest activities aren't subject to FISA. And I know of no complaints about that requirement.

This amendment, on the other hand, doesn't require any suspicion of criminal wrongdoing. It does not even require that the target know that they might be contributing to proliferation. Worse yet, it does not even define international proliferation. So how can we know what activity might trigger the use of this most intrusive of investigation techniques against an individual in the United States? What does international proliferation mean for purposes of this authority?

I certainly don't know the answer to that, and there is nothing in this amendment to answer it. And without a requirement that the proliferation must be illegal under U.S. law, I am seriously concerned that this could cover entities doing perfectly legal, academic, chemical, biological or nuclear research, or even research on conventional weapons like grenades and bombs. It could also cover legitimate companies manufacturing dual-purpose goods, component parts or precursors that could be used for weapons if they fell into the wrong hands.

We can easily fix this problem with the amendment. It would be quite simple to add language virtually identical to that already included in FISA with respect to international terrorism, simply stating that international proliferation of WMD only covers activities that violate U.S. criminal laws or would be criminal if committed within U.S. jurisdiction. I even proposed language to this effect to the Senator from Missouri, hoping that we could work out our differences on this amendment and not require the full Senate to vote on it. But my modest proposal was rejected, for reasons I fail to understand. What I do understand is that if the proponents of this amendment refuse to include language limiting it to people committing crimes, that makes me even more concerned about what is intended and how this is going to be used. There are other changes, as well, that could bring the scope of the amendment into line with the justification for it, but none of my suggestions were accepted.

Some may argue that we should not worry about this expansion of FISA because it only applies to foreigners visiting the United States, sometimes referred to as ''non-U.S. persons.'' But on the face of the amendment, that is not at all clear. This is because the amendment expands the definition of ''foreign power'' under FISA to cover any entity involved in international proliferation of WMD, regardless of whether it is incorporated in the United States or how many Americans work there. And any foreign power can be wiretapped or searched under the plain provisions of FISA, regardless of whether it is breaking the law.

Even if the amendment were limited to non-U.S. persons, U.S. companies, and universities hire any number of people who are here on work or study visas and who are not considered ''U.S. persons.'' When those people are here in the United States, they are fully protected by the fourth amendment. So why should those individuals be subject to secret court-ordered wiretaps and searches of their offices when they have done nothing illegal? And won't this affect the ability of U.S. companies and universities to recruit the best foreign talent to come and work for them?

I realize this all may seem very technical, but let me repeat the upshot: What all of this means is that, under this amendment, U.S. companies and U.S. universities conducting perfectly legal and legitimate activities—meaning they are doing nothing wrong—could be considered ''foreign powers'' under FISA and subject to court-ordered secret wiretaps in this country without any suspicion of wrongdoing. This has left organizations like the American Library Association and the Association of Research Libraries with very serious concerns about the amendment.

Mr. President, I would have been willing to adopt this amendment if it could have been modified to address some of these concerns. But it would be my preference not to address this complex issue in this legislation. The responsible thing to do would be to engage in further study so we know we have the right solution to this problem. But if we are going to take on this issue here, today, let's at least do it in a responsible, targeted way.

We have heard a lot about unintended consequences throughout the debate on this bill. I believe this amendment will have serious unintended consequences, and I think it would benefit all of us to study the issue further. But if that is not possible, we should at a minimum try to limit the effect of the amendment to the dangerous criminals who are the reason for this expansion of FISA. The Bond amendment does not do that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938.

The amendment (No. 3938) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3927

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3927 offered by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment substitutes the Government for the party defendant in place of the telephone companies. It is designed to maintain some check and balance on the executive because Congress has been totally ineffective to do so.

It accomplishes both purposes. It keeps the program going to gain intelligence information necessary for national defense, but it maintains the courts being open as a check and balance.

I yield to Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, if we vote for retroactive immunity, we violate the rule of law taking away legitimate claims in legitimate litigation in a manner that is unprecedented and unconstitutional. If on the other hand we do nothing, we leave American companies gagged by the state secrets privilege in ongoing litigation.

This amendment is a sensible, fair, bipartisan alternative that takes away

no rights, that follows the Federal Rules of Civil Procedure, that honors the separation of powers principles and leaves no litigant gagged by the Government.

Please support the amendment.

The PRESIDING OFFICER. All time has expired. Who yields time in opposition? The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the distinguished ranking member of the Judiciary Committee, Senator SPECTER, has offered an amendment proposing to substitute the government for the providers in the ongoing civil lawsuits.

I appreciate and agree with the sentiment of Senator SPECTER and Senator WHITEHOUSE that the government—not the providers who operated in good faith with them—should be held responsible for the legal fallout from the President's warrantless surveillance program. But this amendment lays out a remarkably complicated litigation procedure that is unlikely to achieve any meaningful review of the President's program.

Under this amendment, if the Attorney General submits a certification to the district court that an individual carrier provided assistance in connection with the President's program or did not provide assistance, the district court certifies a question to the FISA Court.

The FISA Court is then required to determine whether the carrier cooperated with existing law, or acted in good faith and pursuant to an objectively reasonable belief that the written request was legal. If the FISA Court makes that finding, the government is substituted for the carrier in the district court.

At that point, litigation continues against the government under several different possible statutes, and the provider is dismissed from the suit. The plaintiffs may, however, seek discovery—that is, documents, witness testimony, and other information—from the providers who were originally named in the lawsuit.

This complicated procedure raises a number of concerns both about the determination by the FISA Court and the resolution of the lawsuits after the government is substituted.

As an initial matter, it is unclear why the cases would need to be transferred to the FISA Court for a determination of good faith. The Intelligence Committee has already made an assessment of the good faith of the cooperating providers. The possibility of a court—rather than the Congress—making the good faith determination is particularly relevant to an amendment offered by Senator FEINSTEIN, and I am sure we will discuss it further.

But even if Congress seeks to have a court, rather than Congress, make a determination of good faith, having that.determination made in the FISA Court unnecessarily complicates the process. The FISA Court is not a standard factfinding trial court; it does not hear from witnesses, take evidence, or assess the ''good faith'' of private parties. The FISA Court is simply not set up to make factual determinations that impact civil lawsuits.

Nor does transferring the cases to the FISA Court help the plaintiffs in these cases. They are not entitled to hear the classified information concerning the good faith of the providers, and they will not be involved in the debate.

In addition, although a finding of good faith would normally result in dismissal of the lawsuits, under this proposal, the providers would still potentially have the burden of producing documents and witnesses. Thus, because providers who acted in good faith will continue to have a role in the litigation, even if they are no longer the named defendants, this proposal does not relieve the cost and reputational burdens of the litigation. It therefore is unlikely to encourage the providers to cooperate with the government in the future.

It is also unclear what substituting the government in these cases seeks to accomplish. The proposal would involve changing the nature of the claims filed against telecommunications companies to causes of action against the government under a number of statutes, including the Federal Tort Claims Act, the Administrative Procedure Act, or FISA. Suits under these statutes, however, can be, and in some cases, have already been brought against the government.

If it is already possible to sue the government under thee statutes for possible violations, and indeed, if the government has already been sued under these statutes, why do we need to create a new procedure to convert claims against private companies into these claims against the government?

Finally, we should look at what is actually happening in the current litigation. Many of my colleagues have suggested that allowing the litigation to continue—with either the government or the providers as the defendant—will allow the court to resolve the issue of whether the providers acted in accordance with the law. But this is not presently the debate in the litigation.

Right now, the parties in the approximately 40 civil lawsuits are arguing about access to classified information about the President's program. The government has refused to publicly reveal the classified documents and information that would allow litigation to proceed. Because classified information is needed to address even threshold litigation issues, having the government or a particular provider as defendant in the suit is unlikely to change this aspect of the litigation.

In other words, whether or not we substitute the government for the provider, no court is likely to resolve the question of whether the President, or any private company, violated the law in the near future. Given that the administration is unlikely to declassify information about the program while the lawsuits are ongoing, it is also unlikely that litigation will ever tell the story of what happened with the President's program. So what benefit is there to substituting the government in the providers' stead?

Providers who acted in good faith should be removed from ongoing litigation, without having the burden of responding to discovery and litigation requests and without the reputational harm of having suits in their name go forward against the government. Ongoing reminders of the potential pitfalls of cooperating in good faith with the government will not encourage these companies—whose assistance the intelligence community and law enforcement agencies desperately need—to cooperate with the government in the future.

If plaintiffs in any ongoing suit want to bring claims against government officials, those suits can be brought directly, without the complicated substitution procedure described in this amendment.

Although no member of the Intelligence Committee offered an amendment on this issue, the committee considered whether it would be more appropriate to substitute the government for particular providers in ongoing lawsuits as part of the work done in preparing this bill. For all of the reasons I have discussed, the committee ultimately decided that substitution was not the right approach to address the ongoing lawsuits.

I, therefore, cannot support this amendment, and I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, for all the reasons we voted down striking retroactive immunity, this amendment must be defeated as well because it would continue to disclose all the methods of collection in electronic surveillance and it would put at risk the private parties.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 3927.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—30

Akaka	Harkin	Obama
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Kohl	Sanders
Byrd	Lautenberg	Schumer
Cantwell	Leahy	Specter
Cardin	Levin	Stabenow
Casey	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Nelson (FL)	Wyden

NAYS—68

Alexander	Dodd	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (NE)
Biden	Feinstein	Pryor
Bond	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burr	Hatch	Sessions
Carper	Hutchison	Shelby
Chambliss	Inhofe	Smith
Coburn	Inouye	Snowe
Cochran	Isakson	Stevens
Coleman	Johnson	Sununu
Collins	Klobuchar	Tester
Conrad	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lugar	Wicker
DeMint	Martinez	

NOT VOTING—2

Clinton	Graham

The amendment (No. 3927) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3919

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 3919 offered by the Senator from California, Mrs. FEINSTEIN.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, FISA has a law within it as to how you do electronic surveillance, and that law has specific provisions of what companies seeking to assist the Government must do. Essentially, what this amendment does is ask the FISA Court to review that compliance by the telecom companies to see that they complied with the elements of that part of FISA.

I think some Members have been able to look at the certification letter sent to telecoms, but most Members have not, and I think it is very important that the court have an opportunity to review these certifications and see if they are adequate under the provisions of the FISA law, and this is exactly what this amendment does.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, the FISA Court was not set up to make judgments about the operation of foreign intelligence. As a matter of fact, they said specifically, in a case released in December, that is a matter for the executive branch.

Now, there are some people who say there ought to be a court challenge to the President's terrorist surveillance program. Let me remind my colleagues that there are seven cases proceeding against the Government and Government employees which will not be impacted by this bill. Every day that litigation continues, whether it be in a FISA court or in open court, there is a danger of leaking of information.

There could be disclosure of our methods, and there could be risks to employees of the companies in areas of the world. Certainly their bottom line could be impacted. As Senator DURBIN pointed out last week, leaks of classified information caused severe harm to a company in his State.

I urge the defeat of this amendment.

Mr. ROCKEFELLER. Mr. President, the distinguished Senator from California has offered an amendment to modify the procedures in the Intelligence Committee bill on dismissal of civil actions against telecommunications companies that assisted an element of the intelligence community with regard to the President's warrantless surveillance program.

Senator FEINSTEIN's amendment preserves the basic idea of the Intelligence Committee bill; namely, that narrowly crafted immunity for private companies is an appropriate way of resolving dozens of lawsuits arising from the President's program. But the amendment makes one significant change in the procedure proposed by the Intelligence Committee. Rather than Congress deciding that each and every company acted in good faith, the question of whether individual carriers relied in good faith on representations made by the Government would be made by the FISA Court.

I understand and appreciate the Senator from California's desire to have a court make this good faith determination. But in this particular case, I think that Congress is better able to assess the context in which companies cooperated with the Government in order to determine whether they acted in good faith.

As members of the Intelligence Committee, Senator FEINSTEIN and I have had access to the letters sent to the telecommunications companies. We have heard from the companies who were told after 9/11 that their assistance was ''required'' and that the request for assistance was based on a Presidential order, the legality of which was certified by the Attorney General.

In addition, the committee understands the threats faced by the United States in the years after September 11, and the effect that threat environment had on all American citizens.

The committee also understands exactly how critical the private sector is to all of our intelligence collection efforts, and what effect the pending lawsuits have had on the private sector's continued cooperation with the Government.

The policy question that is at the heart of the Feinstein amendment—whether companies that cooperated with the intelligence community after September 11 should be protected from liability for their actions—is not a question than can truly be addressed in an individual court case. Unlike the fact-intensive, good faith determinations that would be made in a court case, this question is not about how a company reacted to each individual piece of correspondence it received, or its discussions with the Government. The question should not be answered on a piecemeal basis, based on whether each of the individual actions taken by any particular company was in good faith.

Knowing how to address this policy issue instead depends on understanding the circumstances that surrounded the requests, the full dimension of the threat, and the historical relationship between the Government and the companies. Because Congress has the ability to look at the totality of the circumstances in a way that a court evaluating an individual company's good faith cannot, I feel that it is our responsibility to assess the reasonableness of the response of all of the companies.

Given the circumstances involved in this sensitive matter, I believe Congress, not the courts, should make the determination as to whether companies acted in good faith and should be protected from liability.

Apart from disagreeing as to who should make the decision about good faith, there are also a number of significant procedural concerns with the Feinstein amendment. I fear that these problems would make the amendment unworkable.

Under Senator FEINSTEIN's amendment, the first step in the immunity process would be the same as under the Intelligence Committee's bill. The Attorney General would make a certification to a court in which a case against a telecommunication company is being heard. The certification would say one of two things.

First, if the company assisted the government, the certification would have to indicate that any assistance provided had been for an intelligence activity involving communications that had been authorized by the President between September 11, 2001, and January 2007.

The certification would also have to state that the assistance had been described to the company in a written request or directive from the Attorney General or the head or deputy head of an intelligence community element which indicated that the activity was authorized by the President had determined to be lawful.

Alternatively, the certification could indicate that the telecommunications company did not provide the alleged assistance.

The court would then have the opportunity to review the Attorney General's certification for abuse of discretion. To protect national security information, only the judge would be entitled to review the certification; the plaintiffs would not have access to it.

Under the committee's bill, such a certification would be the end of the process, except for the issuance of the court's order dismissing the action if the Attorney General's certification met these requirements.

Senator FEINSTEIN's amendment, in contrast, uses that certification to trigger a transfer of the case to the Foreign Intelligence Surveillance Court. This amendment also specifically provides that the FISA Court will permit any plaintiff in an applicable covered civil action to appear before the Court.

This transfer of the case to the FISA Court seriously complicates the existing lawsuits, and poses a number of significant procedural problems that are not resolved in the amendment.

As an initial matter, the type of analysis in the amendment is outside the longstanding scope and jurisdiction of the FISA Court.

Under the Feinstein amendment, the FISA Court would be required to determine, acting as a body of all judges, whether immunity would be granted under current law, whether the company had an objectively reasonable belief under the circumstances that compliance with the written request or directive was lawful, or whether the company did not provide the alleged assistance.

None of these determinations involve the Foreign Intelligence Surveillance Act, the statute on which the FISA Court has expertise. Indeed, the point of the litigation is that the President's program was conducted outside of FISA.

In addition, the FISA Court is not generally set up for adversarial civil litigation; it does not usually hear from witnesses or take evidence. Although Congress has granted the Court the ability to hear challenges to certain FISA directives, it has never before been asked to make factual determinations that affect the outcome of civil lawsuits.

Sending the case to the FISA court therefore raises all sorts of questions. For example, would the FISA Court, acting en banc, hear testimony from witnesses? If so, who would examine the witnesses? What rules of evidence would apply? What role would the plaintiffs play in the proceeding?

The FISA Court would have to come up with an entirely new set of procedures just to handle this litigation. This new proceeding—particularly as the Court would have to act en banc—would significantly strain the resources of the Court that oversees our electronic surveillance of terrorists and foreign powers and protects the privacy of U.S. persons.

Nor does transferring the cases to the FISA Court necessarily help the plaintiffs in these cases. As they do not currently have security clearances, the Government is unlikely to provide the plaintiffs with access to classified information about the proceeding. Thus, most likely, they will not be involved in the debate.

I commend the Senator from California for her efforts to come up with a mechanism by which the court can consider and determine the good faith of the companies. But, because of all of the procedural problems with this amendment I have described, as well as a more fundamental belief that Congress has a unique ability in this circumstance to assess the good faith of the companies, I cannot support this amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) All time has expired. The question is on agreeing to amendment No. 3919.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—41

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Obama
Bayh	Harkin	Reed
Biden	Kennedy	Reid
Bingaman	Kerry	Salazar
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Byrd	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Casey	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	

NAYS—57

Alexander	Dodd	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Menendez
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Roberts
Burr	Hagel	Rockefeller
Carper	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Smith
Cochran	Inouye	Snowe
Coleman	Isakson	Stevens
Collins	Johnson	Sununu
Corker	Kyl	Thune
Cornyn	Landrieu	Vitter
Craig	Lieberman	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Wicker

NOT VOTING—2

Clinton	Graham

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is withdrawn.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 3911), in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2248, the FISA bill.

Harry Reid, Charles E. Schumer, Sherrod Brown, Daniel K. Akaka, Jeff Bingaman, Thomas R. Carper, Ken Salazar, Sheldon Whitehouse, John D. Rockefeller IV, Richard Durbin, Bill Nelson, Debbie Stabenow, Robert P. Casey, Jr., E. Benjamin Nelson, Evan Bayh, Daniel K. Inouye.

Mr. FEINGOLD. Mr. President, as I have said repeatedly on the Senate floor, I strongly oppose granting unjustified retroactive immunity to companies that allegedly participated in the President's illegal wiretapping program, which went on for more than 5 years. It is unnecessary because under current law, companies already have immunity from civil liability if they comply with a court order or with a certification from the Attorney General that a court order is not required and all statutory requirements have been met. Congress should leave it to the courts to evaluate whether the companies alleged to have cooperated with the program would deserve immunity under this existing law rather than changing the rules of the game after the fact. That is why I have been a staunch supporter of the Dodd amendment to strike the immunity provision from this bill entirely.

Given my strong opposition to any retroactive immunity for telecommunications companies, I want to explain why I voted in favor of two amendments that proposed alternatives to but did not entirely eliminate retroactive immunity. Amendment No. 3927, offered by Senators SPECTER and WHITEHOUSE, would have substituted the Government for the companies in the pending litigation, and amendment No. 3919, proposed by Senator FEINSTEIN, would have directed the FISA Court to evaluate whether companies complied with the existing immunity provision or otherwise acted in good faith.

I do not believe that either of these proposals is necessary. In fact, when Senator SPECTER offered his substitution proposal as a stand-alone bill in the Senate Judiciary Committee, I opposed it. I firmly believe that Congress should allow the courts to evaluate whether the companies deserve immunity under the law that applied to them at the time, and we should not be

meddling in this area at all. However, unlike the Specter bill, these two amendments were offered to replace the broad grant of retroactive immunity in the FISA bill, and they were offered after the Senate had voted not to adopt the Dodd-Feingold amendment. Each of them was an improvement, however slight, to the underlying immunity provision, in that they would have left open the possibility that the lawsuits could continue, thus permitting the courts to rule on the legality of the warrantless wiretapping program. Therefore, I voted in favor of both of these amendments, even though I would have much preferred to see retroactive immunity stricken entirely.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—69

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Grassley	Pryor
Bond	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	Webb
Crapo	McCain	Whitehouse
DeMint	McCaskill	Wicker

NAYS—29

Akaka	Durbin	Murray
Biden	Feingold	Obama
Bingaman	Harkin	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Dodd	Levin	Wyden
Dorgan	Menendez	

NOT VOTING—2

Clinton	Graham

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent that immediately following Senator FEINGOLD's 15 minutes on FISA, I be recognized for 10 minutes and that the time be taken from Senator DODD's 4 hours.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I strongly oppose S. 2248. This bill is deeply flawed in ways that will have a direct impact on the privacy of Americans. Along with several other Members of this body, I have offered modest amendments that would have permitted the government to obtain the intelligence it needs, while providing the checks and balances required to safeguard our constitutional rights. Unfortunately, under intense administration pressure marked by inaccurate and misleading scare tactics, the Senate has buckled. And we are left with a very dangerous piece of legislation.

The railroading of Congress began last summer, when the administration rammed through the so-called Protect America Act, vastly expanding the government's ability to eavesdrop without a court-approved warrant. That legislation was rushed through this Chamber in a climate of fear—fear of terrorist attacks, and fear of not appearing sufficiently strong on national security. There was very little understanding of what the legislation actually did.

But there was one silver lining: The bill had a 6-month sunset to force Congress to do its homework and reconsider the approach it took. Unfortunately, with far too few exceptions, the damage has not been undone.

This new bill was intended to ensure that the government can collect communications between persons overseas without a warrant, and to ensure that the government can collect the communications of terrorists, including their communications with people in the United States. No one disagrees that the government should have this authority. But this bill goes much further, authorizing widespread surveillance involving innocent Americans—at home and abroad.

Proponents of the bill and the administration don't want to talk about what this bill actually authorizes. Instead, they repeatedly and inaccurately assert that efforts to provide checks and balances will impede the government's surveillance of terrorists. They launched these attacks against the more balanced bill that came out of the Judiciary Committee. And they have attacked and mischaracterized amendments offered on the floor of this body. This is fear-mongering, it is wrong, and it has obscured what is really going on.

What does this bill actually authorize? First, it permits the government to come up with its own procedures for determining who is a target of surveillance. It doesn't need advance approval from the FISA Court to ensure that the government's targets are actually foreigners, and not Americans here in the United States. And, if the Court subsequently determines that the government's procedures are not even reasonably designed to wiretap foreigners, rather than Americans, there are no meaningful consequences. All that illegally obtained information on Americans can be retained and used.

Second, even if the government is targeting foreigners outside the U.S., those foreigners need not be terrorists. They need not be suspected of any wrongdoing. They need not even be a member or agent of some foreign power. In fact, the government can just collect international communications indiscriminately, so long as there is a general foreign intelligence purpose, a meaningless qualification that the DNI has testified permits the collection of all communications between the United States and overseas. Under this bill, the government can legally collect all communications—every last one—between Americans here at home and the rest of the world. Even the sponsor of this bill, the chairman of the Intelligence Committee, acknowledges that this kind of bulk collection is probably unconstitutional, but the DNI has said it would be not only authorized but ''desirable'' if technically possible. Technology changes fast in this area. We have been forewarned, yet the Senate failed to act.

One of the few bright spots in this bill is the inclusion of an amendment, offered by Senators WYDEN, WHITEHOUSE and myself in the Intelligence Committee, to prohibit the intentional targeting of an American overseas without a warrant. That is an important new protection. But that amendment does not rule out the indiscriminate vacuuming up of all international communications, which would allow the government to collect the communications of Americans overseas, including with friends and family back home, without a warrant. And those communications can be retained and used. Even the administration's illegal warrantless wiretapping program,

as described when it was publicly confirmed in 2005, at least focused on the communications of particular terrorists. What we are talking about now is potentially a huge dragnet that could sweep up the communications of countless innocent Americans.

Third, the Senate failed to prohibit the practice of reverse targeting; namely, wiretapping a person overseas when what the government is really interested in is an American here at home with whom the foreigner is communicating. The underlying bill simply does not stop this practice and, if there was any doubt, the DNI has publicly said that the bill merely ''codifies'' the administration's view that surveillance of an American is fine, so long as the government is technically wiretapping the foreigner. Even the DNI has said this is unconstitutional, but there is nothing in this bill to stop it.

Fourth, the Senate has failed to protect the privacy of Americans whose communications will be collected in vast new quantities. The administration's mantra has been: ''don't worry, we have minimization procedures.'' Minimization procedures are nothing more than unchecked executive branch decisions about what information on Americans constitutes ''foreign intelligence.'' As recently declassified documents have again confirmed, the ability of government officials to find out the identity of Americans and use that information is extremely broad. Moreover, even if the administration were correct that minimization procedures have worked in the past, they are certainly inadequate as a check against the vast amounts of Americans' private information that could be collected under these new authorities.

This legislation is particularly troubling because we live in a world in which international communications are increasingly commonplace. Thirty years ago it was very expensive, and not very common, for most Americans to make an overseas call. Now, particularly with email, such communications are commonplace. Millions of ordinary, and innocent, Americans communicate with people overseas for entirely legitimate personal and business reasons. Parents or children call family members overseas. Students email friends they have met while studying abroad. Business people communicate with colleagues or clients overseas. Technological advancements combined with the ever more interconnected world economy have led to an explosion of international contacts.

We often hear from those who want to give the government new powers that we just have to bring FISA up to date with new technology. But changes in technology should also cause us to take a close look at the need for greater protections of the privacy of our citizens. If we are going to give the government broad new powers that will lead to the collection of much more information on innocent Americans, we have a duty to protect their privacy as much as we possibly can. And we can do that without sacrificing our ability to collect information that will help protect our national security.

But, the Senate has once again fallen for administration tactics that have become so depressingly familiar. ''Trust us,'' they say. ''We don't need judicial oversight. The courts will just get in our way. You never know when they might tell us that what we're doing is unconstitutional, and we would prefer to make that decision on our own. Checks and balances, judicial and congressional oversight, will impede our ability to fight terrorism.'' And, sadly, these grossly misleading efforts at intimidation have apparently worked.

I have been speaking for some time now about my strong opposition to this bill, and I haven't even addressed one of the most outrageous elements of that bill: the granting of retroactive immunity to companies that allegedly participated in an illegal wiretapping program that lasted for more than 5 years.

This grant of automatic immunity is simply unjustified. There is already an immunity provision in current law that has been there since FISA was negotiated—with the participation of the telecommunications industry—in the late 1970s. The law is clear. Companies have immunity from civil liability when they cooperate with a Government request for assistance—as long as they receive a court order, or the Attorney General certifies that a court order is not required and all statutory requirements have been met.

This is not about whether companies had good intentions. It is about whether they complied with this statutory immunity provision, which has applied to them for 30 years. If the companies followed that law, they should get immunity. If they did not follow that law, they should not get immunity. And a court should make that decision, not Congress. It is that simple.

Congress passed a law laying out when telecom companies get immunity and when they don't for a reason. These companies have access to our most private communications, so Congress has subjected them to very precise rules about when they can provide that information to the government. If the companies did not follow the law Congress passed, they should not be granted a ''get out of jail free'' card after the fact.

Proponents of retroactive immunity have said repeatedly that immunity is necessary if the government is going to have the cooperation of carriers in the future. We do need that cooperation. But we also need to make sure that carriers don't cooperate with illegitimate requests. We already have a law that tells companies when they should and when they shouldn't cooperate, so they are not placed in the position of having to evaluate independently whether the government's request for help is legitimate.

Instead of allowing the courts to apply that law to the facts—instead of allowing judges to decide whether the companies deserve immunity for acting appropriately—this bill sends the message that companies need not worry about complying with questionable government requests in the future because they will be bailed out after the fact.

This is outrageous. Even more outrageous is that fact that if these lawsuits are dismissed, the courts may never rule on the NSA wiretapping program. This is an ideal outcome for an administration that believes it should be able to interpret laws alone, without worrying about how Congress wrote them or what a judge thinks. For those of us who believe in three independent and co-equal branches of government, it is a disaster.

In the 1970s, Congress learned that the executive branch had been using its immense powers and the advance of technology to spy on its citizens. By passing FISA, Congress faced up to the fact that we can't just trust the executive branch, including the President of the United States, to do the right thing, that judicial oversight of the power to spy was needed, that checks and balances are the best way to ensure liberty, and security.

I have spent a great deal of time on the floor over the past several weeks discussing the details of the bill, offering amendments, and debating the possible effects of the fine print of the statute. But this isn't simply about fine print. In the end, my opposition to this bill comes down to this: This bill is a tragic retreat from the principles that have governed government conduct in this sensitive area for 30 years. It needlessly sacrifices court oversight and protection of the privacy of innocent Americans. It is an abdication of this body's duty to stand up for the rule of law.

We know what is wrong with this legislation. We know that it authorizes unconstitutional surveillance of Americans. We have been forewarned. I urge my colleagues to vote ''no'' on final passage.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise to speak about the FISA bill currently being considered by the Senate. I believe it is our duty to provide all the tools necessary to fight terrorism. We also have another duty—I would say a simultaneous duty, a sworn duty—to protect the constitutional rights of our citizens.

So we have two duties. One is to protect the American people and give the Government the tools it needs to do that; two, to protect the constitutional rights of Americans. If we lose those rights, then the basic freedoms of our people are at risk.

I believe we have fallen far short. We have fallen far short of the balance that we always need to look for, ever since the beginning of our Republic—

the balance between security and freedom. I think we missed it here.

It is not the Government's job to scare our people; it is the Government's job to protect our people. It is not the Government's job to endanger the privacy of law-abiding Americans, but to protect the privacy of law-abiding Americans. Sadly, we had a number of amendments to this bill which would have brought that balance I talked about into being, the balance between security and freedom.

Senator FEINGOLD had an amendment limiting the use and dissemination of information unlawfully obtained through foreign surveillance on U.S. citizens. His amendment would have protected the rights of innocent U.S. citizens and provided a necessary balance to the bill. I was proud to support it because the bill, obviously, needed some more checks and balances.

Senator FEINGOLD also had an amendment to provide protection against bulk collection of foreign communications that could include communications of innocent Americans. Again, this measure would have provided additional protection for the rights of American citizens, and I was proud to support it because I believe we need, again, additional checks on enhanced Government surveillance authority.

My colleague and friend from California, Senator FEINSTEIN, had an amendment that stated a very important principle: that FISA, the Foreign Intelligence Surveillance Act, is the exclusive authority for conducting foreign intelligence surveillance.

Why is that important? It is important because this administration argues time and again that ''it has inherent authority'' to conduct warrantless surveillance, or that Congress somehow gave them the authority when it authorized the use of military force in Iraq—a ridiculous claim. The Feinstein amendment was a very important amendment because it would have made it clear that FISA is the exclusive authority, pure and simple.

Why was that important going forward? We don't want to have this administration or another one in the future—I don't care which party they are from—spying on the American people and then saying: It is true, we didn't obey FISA, but we thought it was important to go outside the law. If we had adopted the Feinstein amendment, we would have clearly stated that FISA is the law when it comes to conducting surveillance on our own people.

The Feinstein amendment—which failed, sadly by only 1 or 2 votes short of the 60-vote hurdle—said we are not going to lose our freedoms, we are not going to allow another administration to spy on us; FISA is going to be the one and only law that pertains here.

Finally, there is the issue of immunity for telecommunications companies that cooperated with the administration's warrantless surveillance program. We know that American law did not give these telephone companies the authority to do what they did, but they were somehow persuaded by the administration to go along with them. Not every telephone company, not every communications company did go along. At least one said: Look, we think this is not legal; show us the legality. And they stood, I think, in firm support of their consumers.

Here is the problem with granting immunity. Congress has not been given complete information on this program. We do not know the level of involvement by the telephone companies and the telecom companies. We need complete information; we have incomplete information. How can I be a good Senator, how can I do a good job if I don't have the facts surrounding this whole matter of the warrantless surveillance program? When you put out that immunity, you basically stop the court cases, and if you stop the court cases, we will never get to the bottom of this issue and our citizens will never know who was spied on, why were they spied on, what happened, what went wrong, what went right, and how much power this Government tried to exercise over its people illegally.

Granting immunity without fully understanding whether our people were illegally spied upon and to what extent, I find that irresponsible. Where is our pride? We wrote a law that said phone companies cannot do this, and they went ahead and did it. Not all of them. Now we are saying: Never mind, President Bush and Vice President CHENEY write the law, they make the decision. It is not right. It is not American. It is anti-American. It is not what we do in this great country.

President Bush says we are sending our troops overseas to fight for freedom, fight for democracy, and at home they ask the telecom companies to break the law. They spied on Americans, and we cannot find out what they did, how they did it, the details of the program, and now we are going to now grant immunity. I cannot believe that we didn't do better on that particular amendment. That amendment failed. Again, I was proud to stand with Senator DODD and Senator FEINGOLD on the amendment.

In closing, I don't believe this bill strikes the kind of balance we need between broadening the Government's authority to conduct surveillance and protecting the rights of our citizens. We did have many chances today to increase the oversight of FISA surveillance programs. We had many opportunities to hold this administration accountable and future administrations accountable while giving them what they need to go after the bad actors, those who would harm us. I voted to get bin Laden. I voted to go to war against al-Qaida. I voted no on the Iraq war because that was a diversion. I want to get the terrorists who perpetrated 9/11. I want to give any administration the tools they need, but I do not want to expose my constituents and the people of America who are law-abiding and caring and all they live for is for their families—I don't want to subject them to being spied upon.

Unfortunately, those amendments all went down. It is sad for me to say that we have a bill that steps on the rights of the freedoms of our people, of the law-abiding Americans in our country and, therefore, I cannot support it.

Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask that the time be taken equally off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, it is clear now that this body is going to approve retroactive immunity for the telecom industry, which may have helped the President to illegally spy on millions of Americans.

I have spoken on this issue now for I think in excess of 20 hours, going back 2½ months ago when this issue first came to the floor in December. Just to recall the history of the last couple of months briefly, if I may: Two committees of the Senate, appropriately, had jurisdiction over this matter—the Intelligence Committee and the Judiciary Committee. In fact, the House of Representatives similarly had two committees with jurisdiction over this matter, the matter being the amendments to the Foreign Intelligence Surveillance Act.

I have talked at length about the history of that act and commended our previous colleagues who served in this body for having crafted a rather ingenious piece of legislation that architecturally created the balance between security and liberty in the wake of the Watergate scandal in the mid-1970s. Democrats and Republicans came together and said: How can we guarantee that we can gather information to keep our Nation safe and secure from those who would do us harm and simultaneously protect the more than two centuries of liberties and rights that Americans have come to associate with our Constitution—the rule of law?

This was not an easy matter, striking that balance, that tension which has existed for more than 220 years in our country, and I would be the first to admit that. So I have great admiration for those who struggled with it.

In 1978, the FISA—the Foreign Intelligence Surveillance Act—Court was established, a secret court, the members of which are appointed by the Chief Justice of the U.S. Supreme Court. The members of that court are sitting Federal judges across the land. No one can ever know who these judges are. They are anonymous in that sense, and they are called upon at a moment's

notice to determine whether probable cause exists for a warrant to be issued to allow our Government to require institutions, public or private, to provide information that could affect the safety and security of our country. That has been the history.

Since 1978, time and again the Congress of the United States has amended the Foreign Intelligence Surveillance Act. Usually, it was amended in order to keep pace with the ability of those who would do us harm to utilize new technologies, new sources of information that could prove to be dangerous for our country; but simultaneously, legislation was upgraded so that the new means of gathering information, of determining who would do us harm, were also improving. In almost every instance, the amendments and the changes to the Foreign Intelligence Surveillance Act were adopted unanimously by members of both political parties.

That brings us, of course, to this year, with the amendments being offered to this Foreign Intelligence Surveillance Act.

Events occurred either prior to 9/11 or shortly thereafter which have caused the most significant debate yet on FISA. There are those who have argued that, in fact, the surveillance activity that is the subject of the retroactive immunity actually began prior to the attacks of 9/11. The bulk of the evidence seems to point to the fact that this surveillance began shortly thereafter.

I would not be standing here, as I have said before, had this been a momentary lapse of judgment, considering the emotions of the attacks here on our country. I could understand why a President, why a telecom industry, in the wake of 9/11, would have responded to a request to gather information quickly to determine not only who did us harm but what additional dangers they posed to us. I would not be standing here if this had been an administration that had not engaged in a pattern of behavior over the years that suggested they had less than a high regard for the rule of law. But as we have now learned, this was not a matter of a week or a month or a year. This warrantless invasion of our privacy went on for 5 long years, without any rule of law behind it except the word of an American President and apparently the sanction of the Attorney General of the United States.

FISA specifically said in 1978 that you must have a warrant to do this. We even changed the law, as you know, Mr. President, to say that you could even get the warrant after the fact if the emergency was such that you didn't have the opportunity to get the warrant but went after the fact, immediately thereafter.

I would point out, Mr. President, as I did in some detail last evening for almost 3 hours on this floor, that the President's warrantless wiretapping program was not a selective or focused surveillance merely on those who were outside the country or those who were suspected or might be involved in threatening activities. This decision to gather information included literally every phone call, every fax, every e-mail, every image that went through 16 phone companies of our country, using what they call splitters to literally vacuum up everything that came in. If the allegations are true, it was one of the single largest invasions of privacy in the history of our country, all done without a warrant and without a court order.

We discovered this because of a whistleblower and a report in the media that revealed the program. Otherwise, I suspect it would be going on as I speak, without any interruption whatsoever. In fact, the only interruption that occurred, I might point out—because the argument has been made that these companies were acting out of patriotism—came, according to some reports when the Federal Government stopped paying the phone companies for collecting it.

I would also point out that not every phone company complied. I know the argument has been made: Look, everyone did it. It is a common argument, one we made to our parents, usually: Everyone was doing it. We all remember the answer we received from our parents. Well, the argument here is: Almost everyone was doing it. Quest decided not to. When the request was made of them to gather information without a warrant, they said: Give us a court order, and we will comply. A court order was never forthcoming, of course, and they never participated.

So this December, we arrived at this debate about whether to grant the telecoms retroactive immunity. Three other committees had examined this issue, and all three of the committees, in the House and in this body, had determined that retroactive immunity was not warranted. Only one committee decided it was, but that committee has prevailed in the last several days, weeks, and months in this debate, and as such we are now confronted with cloture being invoked, cutting off debate here about the subject matter. And given the votes today, in all likelihood this body is not going to change its mind on this issue. Our only hope, those of us who feel strongly about this, is that the other body, the House of Representatives, which has taken a very different point of view, will be able to prevail in the conference between these two bills, and deny retroactive immunity.

Let me point out quickly that denying retroactive immunity does not mean the phone companies will necessarily be found guilty of doing something wrong. All it means is that the coequal branch of Government, the judicial branch, will get a chance to look at whether what they did was legal. I have my own opinions about this, but my opinions should not prevail, nor should the opinions of 51 Members of this body. We are not the judicial branch, we are the legislative branch.

The Founders of this great Republic of ours created three coequal branches of Government, and the judicial branch was designed and created to check the actions of the executive and legislative branches and determine whether things we did were constitutional—legal—or not. That is why they exist. So the debate about whether what the companies did or did not do is legal is not a matter for this body to determine, any more than it is for the executive branch. It is the judicial branch that should make that determination. Yet, by the action we took earlier today, we are now going to close the door on determining whether the action taken by the phone companies was legal.

Sweep it under the carpet, close the door, and we will set the precedent for some future Congress, which will point to this debate and its conclusion and decide that the Congress of the United States found that the FISA Court was not needed or, that in fact the President could collect whatever data and information he wanted—maybe medical records, maybe financial records, maybe personal histories of families.

I feel passionately about this issue. This is the first time in my quarter of a century service here that I have engaged in what might be called some ''extended debate''—that is how deeply I care about this issue.

Nothing is more important, in my view, than the rule of law and the Constitution. No threat is so urgent that we should be willing to abandon the rule of law. But that is exactly what we have done. And it is a false and phony argument to claim that failing to do so would jeopardize our security. There is a long history of the judicial branch of Government in this country dealing with sensitive national security matters in camera, without revealing state secrets. The suggestion that we cannot possibly let the courts look at the use of warrantless wiretapping is so false on its face it is hardly worthy of an argument to the contrary.

In fact, Judge Walker, a Republican appointee to the Federal bench, I might point out, has ridiculed the argument that these matters could not go before the judicial branch for review. There is no longer a debate about whether the wiretapping program is in the public—it is. And the means and technology used to do it have publicly been discussed and debated.

This decision deprives us of the opportunity to determine exactly what happened. I would further point out that but for the insistence of the chairman of this committee and the ranking member, and I suspect others, the administration would have succeeded in immunizing everyone involved with this, everyone within the executive branch, the White House, the Justice Department.

The chairman and the ranking member said that was going too far. But that request is instructive. What do we

learn from it? Why did the administration demand of the Intelligence Committee that everyone associated with this matter be immunized against any further legal action? What was the motive behind it? Doesn't that suggest that something else must be going on?

That is where we are in all of this. Again, I apologize to my colleagues and others for taking so much time to talk about this. But as I mentioned last evening, I grew up in a family with a father who was deeply involved in the rule of law. He was a prosecutor at the Nuremberg trials in 1945 and 1946, a rather unique moment in American history, where because of an American President, because of a Secretary of War, because of a Supreme Court Justice and a handful of others, America did not yield to the vengeance, even for those enemies we hated the most: Nazis who had incinerated 6 million Jews and 5 million others targeted for their politics, religion, and otherwise. Why would you possibly give that crowd a trial? A handful of Americans, Republicans and Democrats, got together and said: America is different. We believe in the rule of law in the United States. And we believe the rule of law is something that does not necessarily belong to one Nation or sovereignty; it belongs to all people, reaching back to our own founding documents that tell us that the rule of law, not the rule of man, ought to prevail.

So the United States, along with our very reluctant allies, created the Nuremberg trials, which established the moral high ground for the United States in so many ways. As a result, 21 defendants in the first trial got a lawyer and got to present evidence and defend themselves—because we followed the rule of law.

It was the moral high ground and the basis for so much else that was created in the post World War II period: The international courts, the U.N. system, the NATO system, the Marshall Plan. All these institutions sprang from that what we helped create in the wake of World War II and the Nuremberg trials.

So I grew up around a dining room table where the rule of law was talked about all the time. I was taught that our Constitution did not belong to a political party, it did not belong to politicians or candidates.

And I remember that great scene in the movie ''A Man For All Seasons,'' where Thomas More is asked if he would not be willing to cut down all the laws in England to get his hands on the devil.

And More responds, and I am paraphrasing his quote: When I have cut down every law in England to get to the devil and the devil comes after me, what laws will stand there to protect me?

So while some may feel comfort that they are being protected by this decision we have made, they should remind themselves the worm does turn, and someday they may find themselves on the opposite side of this question.

So this debate should not be framed as the issue of the hour; rather, it is about the principle behind it, and that is the rule of law. The power of courts to decide the legality and illegality of actions is so deeply imbedded in our Constitution, so deeply imbedded in the fabric of how we conduct ourselves, that it ought not to be the subject of a partisan discussion and debate.

That is why I have fought to keep this day from coming with everything I had in me. I have not fought alone. Many average Americans have given me strength for this fight, strength that comes from the passion and eloquence of citizens who do not have to be involved, but choose to be involved. I thank them for it.

But today when I speak in this body against this immunity and for the rule of law, I am speaking for a minority. And respecting the rule of law anywhere means respecting it everywhere, even when it means we do not win. The rule of law says we, the minority, cannot stand forever; and having made our case with all the fire in us, we stand down and wait for a different day and a different set of circumstances.

I will say this, though. I have seen some dark days in this Chamber; in my mind, one of the worst was September 28, 2007. That was the day the Senate voted to strip habeas corpus and tolerate torture.

Today, February 12, 2008, is nearly as dark: the day the Senate voted to ensure secrecy and to exempt corporations from the rule of law. Frankly, I have seen a lot of darkness in recent years, as one by one our dearest traditions of constitutional governance have been attacked.

At each new attack, millions of Americans have stood up in outrage; but millions more have answered with patience. One might fault them for that, but I do not. More than two centuries of democratic tradition have nurtured that patience; it speaks well of our Democratic faith that so many take the rule of law in America as a given.

If millions have not yet noticed the rule of law falling, that is because it has so far to fall. But fall it will, if we remove our support for it. The law in America is not a gift or an inheritance; it is the active work of every generation to preserve and protect it.

As America's patience wears thinner and thinner, and as more and more citizens take up that active work, our minority will—I have faith that it will—make itself a majority.

But today was not that day. And so the Senate has signed its name to this immunity, this silencing of our courts, this officially sanctioned secrecy, without a majority of us evening laying eyes on the secret papers that are supposed to prove the President's case.

Retroactive immunity is a disgrace in itself. And in the last months I believe we have proved that beyond a reasonable doubt. But it is even more disgraceful in all it represents. It is the mindset that the Church Committee summed up so eloquently three decades ago.

> The view that the traditional American principles of justice and fair play have no place in our struggle against the enemies of freedom.

That view created the Nixonian secrecy of the 1970s, and the Church Committee wrote those words, in part, as a rebuke to our predecessors in this Chamber who for years let secrecy and executive abuses slide. But today those words take on a new meaning. Today they rebuke us. They shame us for our lack of faith that we can, at the same time, keep our country safe and our Constitution whole.

When the 21st century version of the Church Committee convenes to investigate the abuse of the past years, how will it judge us? What will it say about us when they look back on our actions? When it reads through the records of our debate—not if, but when—what will it find?

When the President asked us to repudiate the Geneva Conventions and strip away the right of habeas corpus, how did we respond?

When images of American troops tormenting detainees were broadcasted around the world, how did we protest?

When stories of secret prisons and outsourced torture became impossible to deny, how did we resist?

And on February 12, 2008, when we were asked to put corporations explicitly outside the law and accept at face value the argument that some are literally too rich to be sued, how did we vote?

All of those questions are coming for us. All of them and more. And in the quiet of his or her own conscience, each Senator knows what the answers are.

I fought so long against retroactive immunity because, in this huge fabric of lawlessness, it was the closest thread to grab. I believed if we grabbed hold and pulled, it would begin to unravel. That has not happened.

But if we believe that each assault against the rule of law was an accident, that each was isolated, we are deluding ourselves. If the past is any guide, there will be another one. And hope, as they say, springs eternal. I hope we will stand up then.

And perhaps we will have the chance to do so very soon. As I mentioned a few minutes ago, the House of Representatives has passed a version of this bill without retroactive immunity. It will be the job of the conference between the House of Representatives and the Senate to reconcile the two versions of this bill.

And before I stand down, I wish to implore the members of that committee, in the strongest terms I can find, to strip retroactive immunity from this bill once and for all. Remember, this is about more than a few telephone calls, a few companies, a few lawsuits. If the supporters of retroactive immunity keep this small, they win. In truth, the issue we have debated for the last few months, the issue

that will finally come to a head in this conference committee, is so much more. At stake is our latest answer to the defining question: The rule of law or the rule of men?

That question never goes away. As long as there are free societies, generations of leaders will struggle mightily to answer it. Each generation must answer for itself; and just because our Founders answered it correctly does not mean they are bound by their choice. In that, as in all decisions, we are entirely free; the whole burden falls on us.

But we can take counsel. We can listen to those who came before us, who made the right choice, even when our Nation's very survival was at risk. They knew that the rule of law was far more rooted in our character than any one man's lawlessness.

I do not think that has changed at all. Secure in that faith, I will sit down now and end my part in this conversation. But when the question of the rule of law or the rule of men comes again, which it surely will, I will be proud to stand up once more. And if this bill comes back with retroactive immunity, I will speak against that travesty—the denial of the rule of law in favor of the rule of men.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Washington is recognized.

Ms. CANTWELL. I rise today to express concerns about the FISA Amendments Act S. 2248 before us. This morning, the Senate lost an opportunity to strengthen this bill. And, unfortunately, without those critical provisions, I will have to oppose the bill before us. I thank the Senator from Connecticut for his leadership in fighting against this bill. I know he will be back on this issue at every opportunity.

Mr. President, I rise to join this debate. I have been, over many years, interested and involved in privacy rights issues in a variety of capacities. Certainly, the residents of my state care passionately about their rights to privacy.

This administration has done a lot to blur the line between foreign intelligence gathering and spying on U.S. citizens. Now, the legislation before us today could have been improved to better protect the rights of U.S. citizens by passing amendments proposed by my colleague Senator FEINGOLD, but we turned those down.

Instead what has been a delicate balance in the United States to protect the rights of privacy of U.S. citizens and national security is going to be further eroded.

Congress has limited powers and so does the President. The President does not and should not have unchecked power in this or any other area. It would be contrary to our American values and our system of government, which has endured for more than 231 years.

When strengthening national security, we must also safeguard civil liberties and the privacy rights of American citizens. I cannot support a bill that fails to strike this critical balance, as the original Foreign Intelligence Surveillance Act (FISA) did. We didn't allow the government to have unchecked unlimited authority then, and we shouldn't allow it now. There have been times in the past when both Democratic and Republican administrations lost sight of the need to protect U.S. citizens' privacy rights.

We all want to protect the United States, but how good is this approach if the end result is that everyone thinks that there is a back door to our computer operating systems, a back door to our telecommunication systems? Who will want to do business in the United States if they think there are no secure systems, only systems to which the U.S. government will have access? Communications over the Internet, regardless of country of origin or country of destination, know no national boundaries, and travel by the most efficient route. If the Act as currently drafted goes forward, it may lead to an international reexamination of how the Internet should operate. FISA has been a very important part of our checks and balances.

In our country, a Senator cannot pick or choose what laws they follow and neither should the President nor telecommunication companies. Congress should not be providing blanket immunity for telecommunications companies that cooperated with the Administration's warrantless wiretapping programs. We don't know precisely what those companies did or the full extent of what they did.

I believe the Federal courts should be allowed to rule on the legality of the companies' conduct. Congress should not move to preempt judicial decisions. Special procedures can be put in place that could allow such cases to move ahead without revealing classified information or damaging U.S. national security. Specifically, I want to touch on the lawsuit the Electronic Frontier Foundation (EFF) filed against a large telecom company, accusing it of violating FISA, on behalf of a class of its customers. If retroactive immunity is granted to telecom providers, the lawsuit will be dismissed, and the public will never get an opportunity of getting even a glimpse of what happened.

The issue of the Federal Government and telecoms possibly violating FISA came to light in part as a result of the actions of a brave whistleblower. According to media reports and internal AT&T documents provided by this whistleblower, Mark Klein, the telecom company allegedly splits off a copy of all of the Internet traffic transported over fiber-optic cables running though its San Francisco office and diverts it all—e-mails, IMs, web browsing, everything—to a secure room under the control of the National Security Agency that contains sophisticated data-mining equipment capable of monitoring all the communications' content in real-time. What appears to have happened is a major change in how electronic surveillance is conducted in this country. Surveillance used to be particularized—investigators would pick a target and then intercept the communications of that target. But now, it appears the Administration is using advances in technology to move to a wholesale surveillance regime, where everything is intercepted and then investigators sift through the hay to pick their targets. In other words, the Administration is seizing millions of Americans' communications—billions of phone calls and e-mails and more—in a 21st century high-tech equivalent of the King's general warrants that our Founders fought a revolution to avoid.

The Electronic Frontier Foundation wants a court to be able to decide whether this new mode of surveillance is or can ever be legal, under FISA or the fourth amendment. Letting the courts decide that question is critical to checks and balances, critical to ensuring that Congress' privacy laws are followed and the fourth amendment respected, and critical to preventing abuses of power. Therefore, I urge my colleagues to allow this case to move forward. I urge them to allow the Federal courts to rule on the legality of the companies' conduct. These are the issues, I believe, that must be reviewed by the courts. I think passing this legislation really preempts what is critical judicial review and undermines the fundamental principle of checks and balances in our system.

I know these are challenging times. But we have to remember our Constitution and to remember what is effective policy. Everybody in America wants to be safer and we want to use technology to protect our national security. But, technology can be used in a way that protects privacy rights. This all goes back to checks and balances. Instead of rushing to dismantle them, Congress needs to maintain and strengthen these checks and balances in order to prevent abuses of power. This model has worked for our country.

I encourage my colleagues to make sure we remember the fourth amendment and we remember our citizens' rights to privacy as well in considering this legislation, which I hope the Senate will turn down this afternoon.

Mr. ROCKEFELLER. Mr. President, under a unanimous Consent agreement, the Senate has accepted three amendments to the FISA Amendments Act of 2008. I would like to say a word about each.

The senior Senator from Massachusetts has authored a helpful amendment to ensure that the Government will not intentionally acquire communications where the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

Our bill, S. 2248, is not intended to authorize the intelligence community to acquire purely domestic communications.

Electronic surveillance of purely domestic communications requires a court order under title I of FISA. In addition, S. 2248 explicitly prohibits the targeting of persons known at the time of acquisition to be located inside the United States.

The importance of the Kennedy amendment is that it reinforces our intent. It should put to rest any doubts about what the Senate intends with respect to protecting the communications of persons within the United States. I am grateful for the willingness of the Senator KENNEDY to work with the committee on this amendment.

I would also like to acknowledge his leading role in the history of FISA as the sponsor of the original FISA legislation, first in 1976, and then when FISA was enacted in 1978. Senator KENNEDY helped the Congress then to enact legislation that protects both our national security and the rights of Americans. We are grateful that he has stepped forward again to help us achieve those goals.

Under the unanimous consent agreement, the Senate has accepted an amendment by Senator WHITEHOUSE that resolves an important question about the status, pending appeal, of an order by the Foreign Intelligence Surveillance Court requiring correction of deficiencies in intelligence collection procedures under the new title VII of FISA.

The amendment requires the FISA Court of Review to determine, within 60 days of the Government's appeal, whether all or part of a FISA Court order requiring correction will be implemented during the appeal. The Government may continue collection until the appellate court makes that determination, and longer if the Court so determines. The 60-day requirement ensures that the matter will receive appellate attention without undue delay.

We appreciate Senator WHITEHOUSE's successful effort to resolve this matter.

Finally, under the unanimous consent agreement, the Senate has accepted an amendment by Vice Chairman BOND to delete a statutory requirement that appeals in cases either challenging or seeking to enforce directives to companies be filed within 7 days. The amendment leaves it to the FISA Court or the Court of Review to establish that deadline as they do for all other appeals under FISA.

The amendment recognizes the responsibility of those courts to establish rules. And it recognizes that both the Government and carriers may require additional time to evaluate whether an appeal should be filed.

I appreciate the vice chairman's effort to resolve this matter.

Mr. OBAMA. Mr. President, I am disappointed that the Senate has rejected several commonsense improvements to the Intelligence Committee's FISA proposal. I commend my colleagues, Senators DODD, FEINGOLD, TESTER, WEBB, WHITEHOUSE, LEAHY, SPECTER and others, for proposing these solutions, and I welcome the outpouring of interest on this issue from informed and concerned citizens around the country.

News last week from the Intelligence Committee hearing underscored the importance of ensuring that our surveillance laws protect our security, just as we must vigilantly safeguard our civil liberties. Director of National Intelligence McConnell warned that al-Qaida continues to train and recruit new adherents to attack within the United States, and such reports should serve to unite us in common purpose against the terrorists that threaten our homeland. Instead, President Bush is using this debate once again to divide us through a politics of fear.

I was disappointed to learn of the President's threat to veto any FISA bill that does not include an unprecedented grant of immunity for telephone companies that cooperated with the President's warrantless wiretapping program. Why the President continues to try to hold this important legislation captive to that special interest provision defies explanation.

I was proud to cosponsor the Dodd-Feingold amendment to strike the immunity provision from the bill. However, with the defeat of this amendment, telephone companies will not be held accountable even if it could be proven that they clearly and knowingly broke the law and nullified the privacy rights of Americans. This is a matter for the courts to decide, not for preemptive action by the Senate.

We can give our intelligence and law enforcement community the powers they need to track down and take out terrorists without undermining our commitment to the rule of law or our basic rights and liberties. That is why I cosponsored the Feingold amendment, which would have prevented the Government from using these extraordinary warrantless powers to conduct ''bulk collection'' of American information. I also supported the Feingold-Webb-Tester amendment to protect the privacy of Americans' communications by requiring court orders to monitor American communications on American soil, unless there is reason to believe that the communications involve terrorist activities directed at the United States or the monitoring is necessary to prevent death or serious bodily harm. Unfortunately, these amendments were defeated as well. These are the types of narrowly tailored, commonsense fixes that would have allowed the Government to conduct surveillance without sacrificing our precious civil liberties.

For over 6 years since the attacks of 9/11, this administration has approached issues related to terrorism as opportunities to use fear to advance ideological policies and political agendas. It is time for this politics of fear to end.

We need durable tools in this fight against terrorism—tools that protect the liberties we cherish and the security we demand. We are trying to protect the American people, not special interests like the telecommunications industry. We are trying to ensure that we don't sacrifice our liberty in pursuit of security, and it is past time for the administration to join us in that effort.

There is no need for the goals of security and liberty to be contradictory.

Mr. LEVIN. Mr. President, last year Congress passed a temporary bill with a 6-month time limit that would give us the opportunity to carry out a thorough, thoughtful examination of how to utilize complicated new technologies in the surveillance of suspected terrorists without invading the privacy of innocent Americans. In the months since we passed that temporary act, we have worked in a bipartisan manner to consider the best course forward for permanent changes to the Foreign Intelligence Surveillance Act. Despite the enormous complexity of these issues, we reached a bipartisan consensus on the key provisions contained in title I of the bill we are considering today.

I believe that title I of the bill before us appropriately provides the intelligence community the authority it needs to collect intelligence information on suspected terrorists. The collection of that intelligence is important to our national security and merits congressional support. That is why I helped write the Rockefeller-Levin substitute amendment that we voted on last summer, why I voted in favor of the Leahy substitute amendment that we considered in January, and why I support title I of the bill before us today. In my view, the Rockefeller-Levin substitute, the Leahy substitute, and title I of this bill all provide for the appropriate collection of intelligence information on suspected terrorists.

Title I of this bill would provide the needed authority for collection of that information in a responsible manner.

Title I of this bill, unlike the temporary act which we passed last summer, would not authorize the targeting of U.S. persons for electronic surveillance without probable cause.

Title I of this bill, unlike the temporary act, would not authorize the administration to collect communications—including communications to and from U.S. persons—for months without even submitting the collection program for court approval.

Title I of this bill, unlike the temporary act, would not authorize the administration to continue to collect such communications for an extended period even after the FISA Court has specifically rejected an application for approval.

Title I of this bill, unlike the temporary act, would expressly authorize judicial review of the targeting and so-called minimization procedures in order to protect the privacy rights of U.S. persons.

Title I of this bill, unlike the temporary act, would require regular inspector general reviews and regular reports to Congress on any authorized collection program.

I congratulate Senator ROCKEFELLER and other colleagues on their success in achieving the administration's support for these well-crafted title I provisions, which are significant improvements over the temporary bill hastily adopted last year.

Title II of the bill is a different story. Title II would eliminate accountability by granting retroactive immunity for telecommunications providers that disclosed communications and other confidential information of their customers at the behest of Government officials. They did this despite a law specifically making it illegal to do so. Unlike title I, there is no bipartisan agreement on title II.

Title II would require dismissal of lawsuits brought by persons claiming injury from interception and disclosure of their communications, even if the activity resulting in the injury was illegal. It would require dismissal of lawsuits, even if the disclosure violated the constitutional rights of individuals whose personal information was illegally disclosed. It would require dismissal of lawsuits, even if innocent U.S. citizens were damaged by the disclosure or compromise of confidential personal information.

Retroactive immunity is not fair. It is not wise. And it is not necessary.

Retroactive immunity is not fair because it leaves American citizens who may have been harmed by the alleged unlawful conduct of these providers without any legal remedy.

Retroactive immunity is not wise because it precludes any judicial review of that conduct. I am deeply concerned that if we act here to immunize private parties who participated in a program that appears to have been clearly illegal, we may encourage others to engage in such illegal activities in the future. In a free society, illegal activity cannot be excused on the grounds that Government officials asked you to carry it out. There must be accountability for illegal acts. As written, title II eliminates some critically required accountability.

Nor is retroactive immunity necessary. Congress has already ensured the future cooperation of the telecommunications providers with the intelligence community in the Protect America Act adopted last August. That act authorizes the Attorney General or the Director of National Intelligence to direct telecommunications providers to disclose certain information and provides prospective immunity to telecommunications providers that cooperate with such directives.

Title I of the bill before us appropriately continues to provide prospective immunity to telecommunications providers. Title I states:

Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued by the Attorney General or the Director of National Intelligence pursuant to the act.

In light of the prospective immunity in title I, which is appropriately in this bill, the retroactive immunity of title II is not necessary to ensure the future cooperation of telecommunications providers that receive legitimate requests for information from the intelligence community.

The argument has been made that we must provide retroactive immunity to the telecommunications providers to ensure the cases against them are immediately dismissed because if the cases are permitted to proceed, vital national security information will be disclosed. But the courts have numerous tools at their disposal to protect such information and have successfully used these tools throughout our history. They can review evidence in a classified setting; they can redact documents; they can even dismiss a case for national security reasons if they deem it necessary to do so.

Some have even taken the position that the mere existence of this litigation, even without the disclosure of any information, will somehow help the terrorists. But the President has already disclosed the existence of the collection program at issue. It has been discussed in Congress and in the press. The Director of National Intelligence has publicly discussed the program.

There is a way to properly immunize from legal liability telecommunications providers that acted in good faith based on the assurances of appropriate administration officials. The way to do that is by substituting the United States for the telecommunications providers as the defendant in lawsuits based on the actions of those providers. That substitution would safeguard telecommunications providers from liability just as effectively as the retroactive immunity language in title II of the bill. But unlike the retroactive immunity language of title II, it would not leave persons who can prove they were victims of unlawful actions without a remedy.

We can ensure that any such innocent victims retain whatever legal rights they have under applicable law, except that the U.S. Government would be substituted for the telecommunications providers as the defendant in such lawsuits. And it is appropriate that the Government be liable rather than the telecommunications providers, since the disclosures were allegedly made by the providers in these cases at the request of senior executive branch officials based on appeals to help safeguard U.S. security and assurances that the providers would be protected from liability regardless of the requirements of law.

We had a number of opportunities to provide equity both to the telecommunications providers and to any injured citizens.

We had the opportunity to adopt the Dodd-Feingold amendment, which would have struck title II from the bill, allowing us to adopt a new approach that protects both the equities of telecommunications providers that acted in good faith and those of people who were allegedly injured by their illegal actions.

We had the opportunity to adopt the Specter-Whitehouse substitution amendment, which would have fully protected telecommunications providers, without depriving American citizens who were harmed by unlawful collection of their personal information of a legal remedy. It did so by substituting the United States for the telecommunications providers as the defendant in lawsuits based on the actions of those providers. That substitution would safeguard telecommunications providers from liability just as effectively as the retroactive immunity language in title II of the bill.

And we had the opportunity to adopt the Feinstein amendment, which would have limited immunity to those telecommunications providers that are found by a court to have acted in reasonable, good-faith reliance on assurances from executive branch officials.

The adoption of these amendments would have made a significant improvement to the bill. With their rejection, I cannot support this bill despite my support for title I, which again, appropriately, authorizes the collection of intelligence. But it is my hope that a bill comes from conference with the House of Representatives that includes appropriate changes to eliminate unfair, unwise, and unnecessary retroactive immunity provisions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 20 minutes.

Mr. LEAHY. Madam President, the Foreign Intelligence Surveillance Act FISA is intended to protect our national security. It is also intended to protect the privacy and civil liberties of Americans. The law was passed to protect the rights of Americans after the excesses of an earlier time.

We are debating amendments to this important law. I had hoped the Senate would act to improve the bill reported by the Select Committee on Intelligence. It has not. I had hoped the Senate would incorporate improvements included in the House-passed RESTORE Act and the bill reported by the Senate Judiciary Committee. It has not.

I had hoped the administration would work with us. It has not. Instead, having gotten exactly the bill they want, in the way they want, from the Intelligence Committee, they have threatened a Presidential veto if we improve this bill in any way or fix its flaws.

I had hoped that Republican Senators would work with us as we have worked together to amend FISA dozens of times over the last 30 years and to update it in more than a dozen ways even since September 11, 2001. But instead of working in a bipartisan fashion, as I have seen before in my 34 years in the Senate, in an unprecedented way, Republicans voted lockstep to table the Judiciary Committee improvements and virtually lockstep against every individual amendment and improvement.

Worse, the Republican leadership has stalled action on the measure for weeks. They continue to insist it is their way or no way. Sadly, with the acquiescence of even some on this side of the aisle, they have controlled the debate, the bill, and the final result in the Senate.

Working together we could have done so much better. I look forward to working with the House to make improvements that are needed to this measure before I can support it.

The process has been, in large part, a repeat of that which led to the so-called Protect America Act last summer. That ill-conceived measure was rushed through the Senate in an atmosphere of fear and intimidation just before the August recess, and after the administration had broken their word and reneged on agreements reached with congressional leaders. The bill was hurriedly passed under intense partisan pressure from the administration. It provided sweeping new powers to the Government to engage in surveillance, without a warrant, of calls to and from the United States involving Americans, and it provided no meaningful protection for the privacy and civil liberties of Americans who were on those calls.

I was here when we first passed FISA because we knew what happened when we had an out-of-control administration. We saw it during the Watergate years. We saw it with J. Edgar Hoover. We saw those who wiretapped people because they didn't like what they said, they disagreed with the administration; they actually raised questions about the Vietnam war. Sometimes it would help if everybody read a history book every now and then around here. Some seem too willing to give up the liberties for which we fought.

The Senate should have considered and incorporated more meaningful corrections to the so-called Protect America Act. Before that flawed bill passed, Senator ROCKEFELLER and I and several others in the House and Senate had worked hard and in good faith with the administration to craft legislation that solved an identified problem but also protected Americans' privacy and liberties.

We all want to protect our security. We all want the ability to go after those who would do this country harm. And we drafted legislation that would have taken care of the problem they told us about.

But just before the August recess, we got a call. Basically, the Director of National Intelligence told us they could not keep their word, they could not keep the administration's word, and the administration decided to ram through its version of the so-called Protect America Act, with excessive grants of Government authority and without accountability or checks and balances. They refused to consider any other way.

After almost 6 years of breaking the law and violating FISA through secret warrantless wiretapping programs, that was wrong. A number of us supported a better balanced alternative, and we voted against the Protect America Act as drafted by the administration and passed by the Senate.

Ironically, the reason we were even voting on it is that the press found out how the administration was breaking the law. Even though the administration was required by statute to tell leaders in Congress what they were doing, which was a clear violation of the law, they had failed to do that. Fortunately, we still have some remnant of a free press in this country and they found it out.

Because of a sunset provision, we had a chance to revisit that matter and correct it. The Judiciary Committees and the Intelligence Committees of the Senate and the House spent the past months considering changes to FISA. In the Senate Judiciary Committee, we held open hearings and countless briefings and meetings to consider new surveillance legislation, including classified meetings. We considered legislative language in a number of open business meetings of the committee, and we reported a good bill to the Senate. This was before last Thanksgiving.

Instead of that bill, a good bill, the Senate is poised to pass a bill that will permit the Government to review more Americans' communications with little in the way of meaningful court supervision.

I support surveillance targeting foreign threats, but I wanted to make sure we protect those American liberties that, after all, we fought a Revolutionary War to protect and a civil war and two World Wars and not just give it away because some people around here get cold feet when threatened by the administration.

Attorney General Mukasey said at his nomination hearing that ''protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security.'' I agree with him about that. That is what the Senate judiciary bill would have done.

The administration insists on avoiding accountability by including blanket retroactive immunity in their bill. It would grant blanket retroactive immunity to telecommunications carriers for their warrantless surveillance activities from 2001 through earlier this year contrary to FISA and in violation of the privacy rights of Americans.

The administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught. Frankly, if they had not gotten caught, they would probably still be doing it. When the public found out about the President's illegal surveillance of Americans, the administration and telephone companies were sued by citizens who believed their privacy and their rights were violated.

So now the administration is trying to get this Congress to terminate those lawsuits. But don't believe the crocodile tears of this administration, saying they are doing it to protect these telephone companies. This is, after all, the same administration that owed the telephone companies millions of dollars in unpaid bills for wiretapping. They will not even pay their bills.

No, the reason they want this provision is to protect those in the administration who broke the law. They don't want anybody to find out which members of the Department of Justice so thwarted the law in writing cockamamie legal opinions that a first-year law student would see through. They want to insulate themselves from accountability. I am not going to support such an end run around accountability.

The administration knows these lawsuits may be the only way that it is ever going to be called to account for its flagrant disrespect of the law. In running its illegal program of warrantless surveillance, the administration relied on legal opinions prepared in secret and shown to only a tiny cabal of like-minded officials.

This ensured that the administration received the advice they wanted. Don't tell us what the law is; tell us what we want the law to be. I used to read my children ''Alice in Wonderland.'' Now I read my grandchildren ''Alice in Wonderland.'' This sounds like ''Alice in Wonderland.''

Jack Goldsmith, a conservative Republican who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a ''legal mess.'' This administration does not want a court to have a chance to look at this legal mess, and retroactive immunity will assure not that they are protecting telephone companies, but that they will cover their own backsides. They want to protect themselves.

The rule of law is fundamentally important in our system, and so is protecting the rights of Americans from unlawful surveillance. I do not believe Congress can or should seek to take those rights and those claims from those already harmed. As I said, I worked with Senator SPECTER and both Senators FEINSTEIN and WHITEHOUSE to try to craft more effective alternatives

to retroactive immunity. We worked with the legal concept of substitution, replacing Government in the shoes of private defendants that acted at its behest. Let it assume full responsibility for the illegal conduct.

Substitution would have protected the telephone companies. It would have placed the administration in their shoes in the lawsuits. But the truth is that the administration doesn't really care about the telephone companies. They are worried only about the American public finding out what they did illegally, how they violated the laws and the Constitution of this country.

I also supported Senator FEINSTEIN's proposal to strengthen the role of the FISA Court in this regard. The administration and its allies in the Senate defeated both of these viable alternatives to retroactive immunity. The administration, by trying to frighten people, warded off all efforts of compromise and accommodation. They don't want to be held accountable, and they have enough Senators who will protect them so they will not be held accountable—not to the Congress or, more importantly, to the American people.

The Senate was forced to vote on retroactive immunity even though not all Senators had access to the information they needed to make an informed judgment about the Government's and the phone companies' conduct. The majority leader wrote to the administration last year urging such access, and I supported it. Of course, we got had no response. The administration ignored the request. After all, if we knew what we were doing around here, we might actually make them stand up and be responsible for their actions, which is the last thing in the world they want. It is clear they do not want to allow Senators or anyone else to evaluate their lawlessness. Their rule is no accountability. Whether it is Scooter Libby or anyone else, no accountability. We will protect those who break the law on our behalf.

I have drawn very different conclusions from Senator ROCKEFELLER about retroactive immunity. I agree with Senator SPECTER and many others that blanket retroactive immunity, which would end ongoing lawsuits by legislative fiat, undermines accountability.

Senator SPECTER has been working diligently, first as chairman of the Judiciary Committee and now as ranking member, to obtain judicial review of the legality of warrantless wiretapping of Americans from 2001 until last year. The checks and balances the judiciary provides in our constitutional democracy has an important role to play. Every one of us, if we follow our oath of office, should want to protect that. Judicial review can and should provide a measure of accountability.

I believe protecting the rule of law is important, and I believe in protecting the rights of Americans from unlawful surveillance. I do not believe the Congress can or should seek to take those rights and those claims from those already harmed. Moreover, ending ongoing litigation eliminates the only viable avenue of accountability for the Government's illegal actions.

Therefore, I say again, I oppose retroactive immunity. There should be a measure of accountability for the administration's actions in the years following 9/11. If it is simply a case of protecting the telephone companies, then why don't we vote for something that would put the Government in their shoes? Why don't we? Because that is the last thing in the world this administration wants because then they would have to answer to how many different people in the Bush administration broke the law.

I don't believe anybody is above the law. I don't believe the President is; I don't believe a Senator is; I don't believe anybody is. Keep in mind, as I said earlier, why we have FISA. Congress passed that law only after we discovered the shameful abuses of J. Edgar Hoover's FBI. Through the COINTEL Program—sometimes called COINTELPRO—Director Hoover spied on Americans who objected and spoke out against the war in Vietnam. I objected and spoke out against the war in Vietnam. Many Vermonters opposed that war. I wonder how many Vermonters were spied on for daring to speak out against it.

Ironically, Madam President, in April of 1975, the United States Senate voted by a one-vote margin in the Armed Services Committee to stop the war in Vietnam. A year later, it was hard to find anybody in this body who had supported it, although obviously an awful lot of Senators had.

Well, I wonder if we are going to look back that same way someday and ask: were we so frightened by 9/11 that we were willing to throw away everything this country fought for, everything that has made this country great through our history?

We can protect Americans' rights. We can protect those things our forefathers fought a revolution to obtain, that we fought a civil war to protect, that we fought two world wars to cement. We can protect ourselves. But we cannot protect ourselves if we do not protect our rights. Are we going to throw our rights away because of a group of terrorists? This Senator is not going to.

Let us show the American people and the world what America stands for. We can and will do all we can to secure the future for ourselves, our children, and our grandchildren. At the same time, we can protect the cherished rights and freedoms that define America and make this country different from all others. Those are the rights and freedoms that protected past generations and allow us to have an American future. If we do not protect them, what will we leave to our children and grandchildren?

Let us stand up for American values. Let us not be afraid to preserve our freedom while protecting our national security.

Madam President, I retain the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that the vote on passage of S. 2248, as amended, occur at 5:30 p.m. today, notwithstanding rule XII, paragraph 4, and that the time specified in the previous order remain in effect, with the time from 5:10 to 5:30 equally divided and controlled between the leaders, with the majority leader controlling the final 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4018 TO AMENDMENT NO. 3911

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the amendment at the desk making technical and conforming changes to the bill be in order, notwithstanding the adoption of the substitute amendment, and that the amendment be adopted. This consent request has been approved by both leaders.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4018) was agreed to, as follows:

(Purpose: To make technical corrections)

On page 7, beginning on line 14, strike '', consistent with the requirements of section 101(h) or section 301(4), minimization procedures'' and insert ''minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4)''.

On page 8, line 13, strike ''168 hours'' and insert ''7 days''.

On page 26, beginning on line 22, strike ''consistent with the requirements of section 101(h) or section 301(4)'' and insert ''that meet the definition of minimization procedures under section 101(h) or section 301(4)''.

On page 32, line 3, strike ''subsection (2)'' and insert ''subsection (b)''.

On page 35, line 6, strike ''obtained;'' and insert ''obtained,''.

On page 35, line 18, strike ''168 hours'' and insert ''7 days''.

On page 35, line 24, strike ''subsection'' and insert ''section''.

On page 36, line 6, strike ''168 hours'' and insert ''7 days''.

On page 36, line 16, strike ''168-hour'' and insert ''7-day''.

On page 40, beginning on line 16, strike ''consistent with the requirements of section 101(h) or section 301(4)'' and insert ''that meet the definition of minimization procedures under section 101(h) or section 301(4)''.

On page 44, line 15, strike ''clause'' and insert ''subparagraph''.

On page 45, line 15, strike ''obtained;'' and insert ''obtained,''.

On page 46, line 2, strike ''168 hours'' and insert ''7 days''.

On page 46, line 8, strike ''subsection'' and insert ''section''.

On page 46, lines 14 and 15, strike ''168 hours'' and insert ''7 days''.

On page 46, line 24, strike ''168-hour'' and insert ''7-day''.

On page 48, beginning on line 13, strike ''orders under section 704(b) or section 705(b)'' and insert ''orders under section 704(c) or section 705(c)''.

On page 54, beginning on line 22, strike ''during the period such directive was in effect'' and insert ''for information, facilities, or assistance provided during the period such directive was or is in effect''.

On page 60, line 4, strike ''reasonably''.

On page 60, line 5, strike ''determines'' and insert ''reasonably determines''.

On page 60, line 10, strike ''determines'' and insert ''reasonably determines''.

On page 60, lines 20 and 21, strike ''168 hours'' and insert ''7 days''.

On page 61, line 7, strike ''168 hours'' and insert ''7 days''.

On page 65, line 6, strike ''168 hours'' and insert ''7 days''.

On page 65, lines 16 and 17, strike ''168 hours'' and insert ''7 days''.

On page 67, line 2, strike ''168 hours'' and insert ''7 days''.

On page 67, line 4, strike ''168 hours'' and insert ''7 days''.

Mr. ROCKEFELLER. Madam President, after a long debate, we are, in fact, ready to, hopefully, pass the FISA bill. This has been an extremely important debate over important issues critical to the Nation's security.

As I discussed at the beginning of the debate, the guiding principle in bringing this bill to the Senate floor was to modernize our ability to collect communications intelligence against foreign targets without compromising the constitutional and statutory privacy protections afforded to all Americans. In my mind, we have achieved this goal.

Vice Chairman BOND and I worked very hard in the Intelligence Committee to produce a balanced and bipartisan bill. One can say whatever one wants, but 13 to 2 is 13 to 2. I think we can be proud of the improvements we have made to the bill each step of the way since last September. But, in fact, it goes all the way back almost a year. In the end, the bill we are about to pass, I hope, strengthens our national security and represents a very significant improvement over the Protect America Act that passed last summer.

Let me mention a few of the provisions we have included in the bill for protecting the rights of Americans here in the United States and overseas.

We require an individual FISA order for the targeting of U.S. persons believed to be located outside the United States any time the collection is conducted inside the United States.

We have also put in place for the first time a procedure requiring FISA Court approval for collection on United States persons outside of the United States in circumstances that would require a warrant if undertaken within the United States. This has never before existed. It now exists in the FISA law, if we do, in fact, pass it.

We have increased the role of the FISA Court in other significant ways, starting with the new requirement that the FISA Court approve the minimization procedures that are essential to the treatment of information concerning Americans authorized under this act. And thanks to Senator WHITEHOUSE's amendment adopted this morning, we have clarified that the FISA Court has inherent authority to enforce compliance with the procedures that it, and it alone, can approve.

We also adopted new requirements to give Congress visibility into how the new collection authority is being implemented, from the Feingold amendment on FISA Court documents, to the new requirements for reporting by the Attorney General and the Director of National Intelligence.

Just as we have worked on a bipartisan basis here in the Senate in order to achieve the strongest possible bill, I believe now is the time to work with our colleagues in the House of Representatives to achieve a true bipartisan, bicameral bill. I look forward to that dialog with our House colleagues.

I would note there are additional measures I support which may make this legislation even stronger. Among these would be the exclusivity amendment of Senator FEINSTEIN that received a strong bipartisan majority vote this morning. I think it was 57 votes. I commend her for all of her work she has done on this critical issue and on other parts of the bill, and I will fight like heck for her in the conference committee, if we are to have one. We will continue to work with her and with Vice Chairman BOND to see if there is any way to bridge the differences in the bipartisan manner that has dominated our negotiations throughout this procedure.

In closing, it would not have been possible to have reached this point without the hard work of the staff of the Intelligence and Judiciary Committees, as well as the leadership staff. From the Intelligence Committee, I thank Andy Johnson; Louis Tucker; Melvin Dubee; Michael Davidson; Jack Livingston; Christine Healey; Alissa Starzak; and Kathleen Rice. I also thank Mary DeRosa, Nick Rossi, Zulima Espinel, and Matt Solomon of the Judiciary Committee; and Ron Weich, Serena Hoy, and Marcel Lettre of the majority leader's staff.

Finally, I must recognize the steadfast support and work of the committee's vice chairman, Senator BOND. The work of the Intelligence Committee is not easy. When it comes on the floor, it is more difficult because there is a certain kind of exclusivity which is not appreciated by some Members but is the way it works.

Vice Chairman BOND has been dogged in his efforts to move this whole thing forward. He is formidable in his pursuit of intelligence and his insistence it be made available to the committee and to the appropriate committees; and he is flexible in his willingness to find compromises to keep our bipartisan coalition together.

I hope this bill does pass. I think it is landmark legislation. I don't think all will see it that way at the very beginning, and that is OK because what we do is not so much of the moment but for the longer term. So there may be disagreements on immunity. But, on the other hand, there can be no disagreements on the national security of the United States. Immunity has been narrowly tailored. A lot of people don't know that, or maybe made up their minds at the beginning, but, whatever, we did what we thought was the right thing to do.

One of the great things about being in this body is no matter what people say and what people think, if you do what you think is right, you are serving your country.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, are we now in my designated time?

The PRESIDING OFFICER. We are.

Mr. MCCONNELL. Madam President, earlier today the Senate voted to invoke cloture on the bipartisan Rockefeller-Bond bill. It was not a close vote. Rather, it was a strong bipartisan show of support for this important piece of legislation.

The Protect America Act expires at the end of this week. That is Saturday, February 16.

Twenty-one House Democrats have written to Speaker PELOSI saying they ''fully support'' the Rockefeller-Bond bill if it is not changed substantially—and it was not changed—and they urge her, the Speaker, to ''quickly consider'' the bill in order ''to get a bill signed into law before the Protect America Act expires in February.''

I have a copy of the letter signed by 21 Democrats, so-called Blue Dog Democrats, in the House. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 28, 2008.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation

to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ———, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carney.

Mr. MCCONNELL. Madam President, it is clear that not only does the Rockefeller-Bond bill enjoy bipartisan majority support in the Senate, it also enjoys bipartisan majority support in the House. It is a tribute to the fine work of the Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from Missouri, Mr. BOND, in pulling this complex piece of legislation together and getting extraordinary support across the aisle.

This bill protects the country. It is a bill that will be signed by the President of the United States, so we are making a law here. We need to focus on completing action on this legislation and get it to the President before the Protect America Act expires.

As to further delays: Back in August, our Democratic colleagues said an additional 6 months was needed to get this right. In the fall, they said: We need a little more time. Last month, they said: Give us another 15 days and we can wrap it up. At this point, no Member of this body can reasonably state this piece of legislation was hastily or unfairly considered. It has been the product of 6 months' work, intense work on behalf of Senator ROCKEFELLER and Senator BOND.

We do not need yet another extension, yet another delay. We need to focus on getting our work done. I am confident that with the help of our friends on the other side of the aisle, we can get a second bipartisan accomplishment to the President in as many weeks. Tomorrow, he will sign the stimulus package—an important bipartisan accomplishment. Later in the week, he could conceivably be in a position to sign this important piece of bipartisan legislation.

I encourage my colleagues in the House and the Senate to redouble their efforts toward this end. That would show the American people that Congress can indeed function on a bipartisan basis on important issues before the country.

I am among those proud of the fine work done by Senator ROCKEFELLER and Senator BOND. This is a terrific, important piece of legislation. I know it will pass the Senate shortly, overwhelmingly.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, is there time remaining on this side prior to the vote?

The PRESIDING OFFICER. Four and a half minutes remain.

Mr. BOND. Madam President, with the sufferance of the minority leader, I thank my colleagues, especially Senator ROCKEFELLER, and all those who worked with us. We have had to make a number of very tough votes. We made some good changes in the bill. I thank, particularly, Senators WYDEN, FEINSTEIN, and WHITEHOUSE for working with us to achieve their objectives in a way that would allow the program to continue.

Approximately 10 months ago, the DNI, Admiral McConnell, came to Congress and asked that we update FISA. Changes in technology had resulted in the FISA Court rulings or interpretations that impeded the effective use of electronic surveillance against terrorists overseas.

This problem came to a head in May 2007, when there was a FISA Court ruling causing significant gaps in our intelligence collection against foreign terrorists. Throughout the summer of 2007 and amid growing concern of increased threats to our security in light of these gaps, Congress was asked by the DNI to act. And Congress, in August, passed the Protect America Act, a short-term fix that did what it was supposed to do. It was lacking in one important aspect; it did not provide civil liability protection to those private partners who assisted the intelligence community.

Following passage of the PAA, Chairman ROCKEFELLER and I immediately set to work to come up with a bipartisan permanent solution. We worked closely with the intelligence community.

In the end, after many hearings, briefings, debate, and visits to the facility, we did pass it on a 13-to-2 vote. We concluded that those electronic communication service providers that assisted with the President's TSP acted in good faith and deserve civil liability protection from frivolous lawsuits. As indicated by the chairman, this bill goes further than any legislation in history in protecting the privacy of U.S. persons, mostly Americans, whose communications may be acquired incidentally to this foreign targeting. For the first time in history, it requires the FISA Court to approve targeting of U.S. persons, American citizens, overseas to obtain foreign intelligence information.

This bill was a series of delicate compromises. Both sides had to give. Many of us would have preferred to have all litigation related to the TSP terminated as the DNI originally requested. Again, we agreed, for reasons set forth on the floor, that cases against Government officials—and all criminal cases—could go forward.

Others believed the FISA Court should not approve targeting of Americans abroad, particularly when these same protections are not afforded in ordinary criminal cases. In the spirit of compromise, we created a process that allows sufficient flexibility while addressing privacy concerns.

In the end, I am proud to say we have accomplished our collective goals of making sure we have a bill with clear authorities for foreign targeting, with strong protections for Americans, and with civil liability protection for those providers who may have assisted with the President's terrorist surveillance program.

We have heard debate over the past several weeks on a number of amendments that I believe would have proved harmful to our intelligence collection efforts. Some would have shut down, or severely impeded, intelligence collection against foreign terrorists. That is one of the reasons we worked so closely with the intelligence community to ascertain what could be done to increase protections without harming their ability to collect.

We now have a solid bill. The DNI will support it and the President can sign it into law. I urge my colleagues to send this bill to the House with a strong bipartisan vote. It gives our intelligence operators and law enforcement officials the tools they need to conduct surveillance of foreign terrorists in foreign countries who are planning to conduct attacks against the U.S., our troops, and our allies. It is a balance we need to protect our civil liberties, without handcuffing our intelligence professionals.

I hope we can do the right thing and pass the bill. I thank all our colleagues who helped.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I want the RECORD to reflect that any of my remarks where I disagree with the bill before the Senate in no way reflects upon the chairman of the committee. I have known JAY ROCKEFELLER for several decades, and I have not known a better public servant than JAY. JAY ROCKEFELLER got into Government for the right reasons. We know that the Rockefeller name is magic, that he could have led a life of leisure, doing many different things. But he chose public service. He went to West Virginia doing work as a VISTA volunteer. He fell in love with the people—the poor people—of West Virginia and has worked since then to improve the lives of the people of West Virginia. He has done a wonderful job there, serving as the secretary of state, Governor, and now as a long-time Senator.

There are certain things in this legislation that I disagree with. But I repeat, as a public servant, there is not one better—or I doubt that there ever has been anyone better than JAY ROCKEFELLER. He has devoted his Senate life in service to the Intelligence Committee. He devotes night and day not only working in the Committee room where there is no exposure to the public—he gets no publicity for doing this. He does it because he believes it is the right thing for the country. Of course, I receive calls from him well after hours on concerns he has in dealing with foreign intelligence generally.

I already voted against it on the FISA legislation, and I will vote ''no'' on final passage of the bill.

The Senate's debate on FISA has made the Intelligence Committee's bill better—no question about that—by adding a number of protections from the Judiciary Committee's version.

The Senate adopted amendments offered by Senators KENNEDY, WHITEHOUSE, and FEINGOLD to improve title I of the bill. This concerns the procedures we use to conduct this kind of surveillance in the future. That is an improvement. But the Senate rejected amendments to strike and modify various parts of title I, to improve title I, and rejected all amendments to strike or modify title II concerning immunity for telecommunications companies that may have broken the law by abiding the White House's requests for warrantless wiretaps on American citizens.

I believe the White House and any companies that broke the law must be held accountable.

In their unyielding effort to expand Presidential powers, President Bush and Vice President CHENEY created a system to conduct wiretapping—including on American citizens—outside the bounds of longstanding Federal law.

As I have said before—and books have been written on it—the President, as soon as we passed the first PATRIOT Act, after he joined with us in celebrating it, he basically ignored it and did whatever he wanted to do because he was told by the White House staff he was above the law, he didn't have to follow the law we passed.

The President could have taken the simple step at any time of requesting new authority from Congress. All he would have had to do was come talk to us. We would have been willing to listen to him and, very likely, would have done anything he wanted to do. After all, Congress has repeatedly amended FISA because of new technology and legitimate needs in the intelligence community.

But whether out of convenience, incompetence, or outright disdain for the rule of law, the Bush-Cheney administration chose to ignore Congress and ignore the Constitution.

The White House should bear responsibility for this reckless disdain for the rule of law.

It also appears that many companies followed the administration's orders without regard to the law or privacy, or even basic common sense. I always will support giving our intelligence community the tools it needs to collect intelligence on terrorists and other foreign targets. We have to do that.

We always have and always will need to help in the private sector to protect our country. That is clear. When companies comply with legal and constitutional directives to support intelligence and law enforcement activities, they have no reason to fear. But the requirement and obligation they have for protecting the rights of American citizens and the Constitution and FISA are perfectly clear, very clear.

According to the press reports, at least one company—Qwest Communications Company—refused the White House request to participate in this program. The others had an opportunity to do the same. As far as we know, they chose not to. They didn't follow the example of Qwest.

If the Senate had voted today to reject amnesty, we would have sent a message that no one is above accountability and no one is above the law. If we had rejected amnesty, we would have sent a message that fighting terrorism doesn't require the sacrifice of basic fundamental rights.

I was disappointed that the Senate rejected amendments opposing immunity. Even though their efforts were unsuccessful, all Americans owe a debt of gratitude to two outstanding and principled Senators, Senators FEINGOLD and DODD. I don't mean in any way to suggest that people who disagree with them are not outstanding or are unprincipled. That isn't the case. There is a basic disagreement. I felt I needed to applaud and commend these two men for how hard they worked in making their point. I believe they stood up to the administration, which certainly needs standing up to. They stood up for accountability.

Despite today's votes, there is no doubt in my mind that history will prove they were right. Millions of Americans joined this effort. Win or lose, their voices were heard and their efforts made a difference.

If the Senate votes for final passage of FISA today, which I suspect will be the case, we must decide what comes next. The mere fact that we pass something today, and the House passed something previously, doesn't mean we have anything to send to the President.

Two weeks ago, in the runup to the State of the Union Address—and we have heard it time and again—the President and Vice President and Senate Republicans believed it was urgent to pass the FISA bill, that it is critical to our national security. But then, Senate Republicans spent most of the time since then refusing to allow any votes on FISA amendments, slow-walking the bill as part of a strategy to jam the House. That is what happened. I have to suggest that they deserve a pin on their lapel because they set out and did what they wanted to do—stall this as long as they could.

A week and a half ago, as the February 1 sunset to the Protect America Act approached, we passed a 15-day extension. This would have allowed 2 weeks to negotiate with the House, which would have been rushed, but we could have at least had meaningful meetings. Those will not take place.

Unfortunately, the White House has been convinced that if they dragged this process out long enough, there would not be enough time to negotiate a bill with the House. The White House is convinced they can force the House to pass exactly the bill they want. I believe it is wrong for the White House to do this, and I believe it is unfair to the House of Representatives.

Due to months of White House foot-dragging, the relevant House committees have only just gotten the documents relating to immunity. They need some time to review and analyze that.

We must not let this critical issue be resolved by the White House trying to force the House to do something they didn't want to do, such as happened last August.

I plan to ask, after this legislation passes today, unanimous consent for an extension in order to allow sufficient time for negotiation with the House. My friend, the distinguished Republican leader, has already said there will be no extensions given. I hope that is not the case, and with this extra time, the conference committee can make further improvements to this critical bill.

Why do we need to improve the bill?

Richard Clarke, a national security adviser to Presidents Reagan, Bush Sr., and President Clinton, said it well in an op-ed:

> FISA has and still works as the most valuable mechanism for monitoring our enemies.
>
> In order to defeat the violent Islamic extremists who do not believe in human rights, we need not give up the civil liberties, constitutional rights and protections that generations of Americans fought to achieve.

The Bush-Cheney White House continues to sell us a false choice between

security and liberty. I reject that choice.

This is America and we are Americans. We can and must have both liberty and security.

It is my understanding we are ready to vote on final passage.

The PRESIDING OFFICER. The question is on passage of S. 2248, as amended.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''yea.''

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—68

Alexander	Dole	Mikulski
Allard	Domenici	Murkowski
Barrasso	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Grassley	Pryor
Bennett	Gregg	Roberts
Bond	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Carper	Inouye	Smith
Casey	Isakson	Snowe
Chambliss	Johnson	Specter
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Thune
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Craig	McCain	Whitehouse
Crapo	McCaskill	Wicker
DeMint	McConnell	

NAYS—29

Akaka	Durbin	Menendez
Biden	Feingold	Murray
Bingaman	Feinstein	Reed
Boxer	Harkin	Reid
Brown	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Stabenow
Cardin	Lautenberg	Tester
Dodd	Leahy	Wyden
Dorgan	Levin	

NOT VOTING—3

Clinton	Graham	Obama

The bill (S. 2248), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3773, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 2248, as amended, is inserted in lieu thereof; the bill, as amended, is considered read the third time and passed, the motion to reconsider made and laid upon the table, and passage of S. 2248 vitiated and that bill be returned to the calendar.

The bill (H.R. 3773), as amended, was passed, as follows:

H.R. 3773

Resolved, That the bill from the House of Representatives (H.R. 3773) entitled ''An Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

''SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication

service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or

the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or

other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision

thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.

''Sec. 702. Definitions.

''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 705. Other acquisitions targeting United States persons outside the United States.

''Sec. 706. Joint applications and concurrent authorizations.

''Sec. 707. Use of information acquired under title VII.

''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term '''Foreign Intelligence Surveillance Court''' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is

obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting ''''weapon of mass destruction','' after ''''person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(6) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

''(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

''(a) REQUIREMENT FOR CERTIFICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

''(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

''(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

''(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

''(D) the person did not provide the alleged assistance.

''(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

''(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

''(1) review such certification in camera and ex parte; and

''(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

''(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

''(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

''(a) IN GENERAL.—No State shall have authority to—

''(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

''(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

''(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

''(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

''(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions.

''Sec. 802. Procedures for implementing statutory defenses.

''Sec. 803. Preemption.''.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act

shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, again I rise to thank Chairman ROCKEFELLER, the members of the committee on both sides, and our very able staffs for a lot of hard work, particularly by members of the committee but by many Members who are not on the committee, who took their time to learn what the electronic surveillance capabilities are, to learn what guidelines and protections there are to protect the privacy rights and constitutional rights of American citizens and help us pass this bill.

This is a bill which I hope we will at least, in large part, find the House agreeable to and that we can send it to the President. This has been a very long procedure. The chairman just pointed out that we have been working on this almost a year. We worked very hard after the August recess to come up with a good bill. I know we had some very warmly felt and vigorously argued amendments, but the fact that these would make it difficult for the intelligence community to collect the intelligence necessary to protect our interests, our allies, our troops abroad, and us here at home led a significant bipartisan majority to improve it.

Again, my sincere thanks to the leadership on both sides for allowing us to get to this important measure. We hope we will have a conference report, if necessary, or a measure from the House that we can pass before the end of the week.

So, Madam President, my sincere thanks to Members on both sides and particularly our great staffs on both sides.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS-CONSENT REQUEST—S. 2615

Mr. REID. Madam President, as I indicated I would earlier today, I will ask unanimous consent to extend the law that is now in effect. I wish to extend that 15 days to see if we can work out something more with the House.

So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 571, S. 2615; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Reserving the right to object, let me just make the point once again that we just passed this bill 68 to 29 in its initial form, which was preserved on the Senate floor. It came out of the Intelligence Committee 13 to 2. This is the Rockefeller-Bond bipartisan, overwhelmingly supported bill coming out of the Senate.

The current law does not expire until Saturday. It is still my hope that the House, and particularly when you consider the fact that 21 House Democrats, so-called Blue Dog Democrats, have indicated to the Speaker in writing that they would like to see the Senate bill passed—the Rockefeller-Bond bill taken up and passed by the House—I think it is just premature for an extension, Madam President. I think there is

still at least a chance the House might conclude that we have done a terrific piece of work, and they could very well consider the option, as the Blue Dogs have suggested, of taking up the measure and sending it on down to the President for signature.

So for the moment, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 99TH ANNIVERSARY OF THE NAACP

Mr. BROWN. Madam President, 99 years ago today, a group of courageous individuals came together to form the National Association for the Advancement of Colored People.

The year of 1909 was the centennial of Abraham Lincoln's birth. Fewer than 50 years removed from the signing of the Emancipation Proclamation and the carnage of the Civil War, the promise and price of that struggle must have still been fresh on the minds of many Americans.

The ''Call for the Lincoln Emancipation Conference in 1909'' was designed to take stock of the progress since the end of the Civil War.

The conclusion of the 60 organizers, among them the mayor of Toledo, and the president of Western Reserve University in Cleveland, the conclusion was that Lincoln would have been disheartened by the Nation's failure to secure equality of law and equality of opportunity without respect to color. They faced rampant Jim Crow discrimination, conducted with the blessing of the Supreme Court. The country was plagued by race riots and lynchings in every region, even in Lincoln's hometown of Springfield, IL.

The founders of the NAACP understood that if true equality was to be had, the spirit of the abolitionists must be revived. So long as the North remained silent about the conditions in the South, it was supplying tacit approval.

They wrote:

> Discrimination once permitted cannot be bridled. Recent history shows that in forging chains for the Negroes, the white voters are forging chains for themselves.

They met, they organized, and they spoke out. For almost a century the NAACP has led the fight for equality, continually working to ensure political and educational and social and economic equality for persons of all races.

Whether it was the fight to desegregate public schools or to secure equal voting rights or the passing of the 1964 Civil Rights Act, the NAACP has remained at the forefront of the struggle for justice. Even when this body, this Senate, did not do the right thing, the NAACP continued to fight for equal rights and equal opportunity.

This is a struggle that continues today. Discrimination in housing has continued a legacy of segregation in many of our neighborhoods and many of our schools. Discrimination in housing finance has led to disproportionate numbers of African-American and Latino borrowers being stuck with predatory loans that are falling into forclosure at record rates.

Black young people are more likely than their peers to attend failing schools. A new wave of barriers to voting rights has appeared in the form of vote caging, deceptive practices, and unreasonable voter ID laws. I saw some of those in the 1980s as Ohio Secretary of State. They happened in New Jersey, they happened in Louisiana, they happened in the North, they happened in the South. They are still happening.

African Americans make up about 13 percent of our population but account for over 50 percent of the prison population.

In times such as these, the NAACP is needed more than ever. Fortunately, in my home State of Ohio and across the Nation, NAACP chapters continue their fight for justice and equality. In Lorain, in Mansfield, in Toledo, in Cleveland and Columbus, they continue that fight.

The Ohio NAACP Prison Program is changing the lives and helping to rehabilitate hundreds of inmates. NAACP members across the State are registering voters and run afterschool programs.

The Cincinnati NAACP chapter is holding public forums to foster a better relationship between the community and the police department. Through programs such as these, our communities are stronger, our neighborhoods are stronger, our Nation is stronger.

As a life member of the NAACP, I am proud to support its efforts to protect our rights to increase opportunities for all Americans. As the founders observed 99 years ago, this Government cannot exist half slave and half free any better today than it could in 1861. I hope my colleagues will join me today in commemorating the NAACP's 99th anniversary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

199TH ANNIVERSARY OF ABRAHAM LINCOLN'S BIRTH

Mr. DURBIN. Mr. President, in her book ''Team of Rivals,'' Doris Kearns Goodwin tells a story that illustrates the extraordinary, transcendent power of Abraham Lincoln's faith in human freedom and democracy.

It is a story about something that occurred in 1908, 100 years ago. The Russian novelist Leo Tolstoy had been entertaining some Caucasus tribesmen for hours with tales of Alexander the Great, Julius Caesar, and Napoleon. When he finished, a chief stood and asked Tolstoy to speak about the greatest of all heroes, a man who ''spoke with a voice of thunder . . . laughed like a sunrise and his deeds were as strong as the rock.'' Tell them, the chief implored, about Abraham Lincoln.

Tolstoy would later write, ''That little incident proves how largely the name of Lincoln is worshipped throughout the world. . . . He was not a great general like Washington or Napoleon; he was not such a skillful statesman as Gladstone or Frederick the Great, but his supremacy expresses itself altogether in his peculiar moral power and in the greatness of his character. ''Washington was a typical American. Napoleon was a typical Frenchman. But Lincoln,'' Tolstoy wrote, ''was a humanitarian as broad as the world.''

Today marks the 199th anniversary of Abraham Lincoln's birth. This past weekend was also the official opening of a 2-year bicentennial celebration of the Abraham Lincoln Bicentennial. In Harlan County, KY, where Lincoln was born in bitter poverty, Lincoln scholars and admirers gathered to discuss and celebrate Lincoln's life and legacy. This evening in Springfield, IL, the Abraham Lincoln Association will hold its annual meeting to once again reflect on the life of Abraham Lincoln in his hometown.

I express my personal thanks to Judge Tommy Turner who has worked tirelessly with so many dedicated Kentuckians to put together today's kickoff in Harlan County.

First Lady Laura Bush was to have spoken at the kickoff. Unfortunately, the icy weather forced postponement. It will be rescheduled. She will be returning to the Abraham Lincoln Birthplace National Historic Site in Hodgenville, KY.

President Lincoln kept a place in his heart for Kentucky all his life, and there must be a special place for Kentucky in the Lincoln Bicentennial Celebration. I also thank my colleague, Senator Jim Bunning, who is a member of the Abraham Lincoln Bicentennial Commission. I know how hard he worked to make this kickoff a success in his home State.

Over the next 2 years, hundreds of special events and celebrations will be held in cities and towns across America to remind all of us who Lincoln was and what he meant and still means to

America and the world. Coordinating many of these events will be the Abraham Lincoln Bicentennial Commission, which I am honored to cochair with Harold Holzer, a noted Lincoln scholar from New York, and my fellow Illinoisan, Representative Ray LaHood. Ray deserves special credit because it was his idea to create this commission to honor Illinois's favorite son in our land of Lincoln. For 12 years before I was elected to the Senate I had the privilege of holding the same seat Lincoln once held in the U.S. House of Representatives, a seat now held by Congressman LAHOOD.

Abraham Lincoln was, I believe, America's greatest President. Our Founders decreed that we are all endowed with an inalienable right to liberty, but they could not reconcile their noble ideals with the ignoble practice of slavery. Abraham Lincoln helped give meaning to our national creed of ''liberty and justice for all.'' He steered America through the most profound moral crisis in our history and the bloodiest war. His leadership saved the Union, and his vision redefined what it meant to be an American.

The goal of the Abraham Lincoln Bicentennial Commission is to help Americans and people around the world to gain a better understanding of this complex and heroic man. We want to foster a resolve among Americans from all backgrounds to continue the work Abraham Lincoln started. I think the Gettysburg Address may be the greatest speech I have ever read. I memorized it in grade school. I refer to it so many times, and realize, in an economy of words, Abraham Lincoln speaking almost impromptu really captured great meaning for so many Americans. He challenged all of us to rededicate our lives ''to the unfinished work'' for which ''the brave men, living and dead'' had sacrificed so much on the hallowed ground of battle in Gettysburg, PA.

How much of the work of true democracy remains unfinished today? How can we summon, as Lincoln said, ''the better angels of our nature'' to meet the challenges of our time? Those are the discussions the Abraham Lincoln Bicentennial Commission hopes to foster as America prepares to celebrate the bicentennial of the birth of its greatest President.

I encourage everyone to go to the Commission's Web site at www.lincolnbicentennial.com, learn more about Lincoln and about how your community can plan to celebrate his birthday. President Lincoln's adopted hometown of Springfield is also my adopted hometown. I have lived there almost 40 years now. If you have ever been there, you know that around every corner in downtown Springfield is another powerful reminder of Abe Lincoln. The small house at the corner of 8th and Jackson, the only home Lincoln ever owned, is just a block away from my Senate office. His law office, right near the old State capitol, is an amazing place, restored and visited by so many because of its meaning in his daily life as an ordinary lawyer in central Illinois, the old State capitol building where he warned prophetically that a House divided could not stand. This beautiful building was restored in 1976 as part of our bicentennial. The old State capitol is one of my favorite in the State of Illinois.

My special thanks to a good friend of mine, an architect named Earl Wallace Henderson III, who was called on to do a magnificent job of restoring and remodeling that old State capitol. And now, just a couple blocks away, my pride and joy as an elected official from Springfield, IL, is the Abraham Lincoln Presidential Library and Museum. It is just 3 years old. It is already the most visited Presidential library in America. I love that place. I go to a lot of museums and Presidential museums. I don't know of another one, though, that really captures the spirit of the President so effectively and lures children in for beautiful exhibits and movies that they don't forget. Kids walk out of the Abraham Lincoln Museum with their moms and dads and say: Can we go back? It warms my heart every time I hear of the record numbers of people who are visiting.

It was also in Springfield that a 28-year-old Lincoln, a member of the State legislature, delivered a speech that still speaks powerfully to us today. We know it as the Lyceum Address. Lincoln was told to speak about whatever he liked. He chose as his subject ''the perpetuation of our political institutions.'' He expressed a concern that would later be echoed many times: What would happen to America when its Founding Fathers and those who fought to gain our liberty were gone? How could we sustain America if new generations had no knew leaders to inspire them with original ideas of our Republic? Until then, the truth and terrible costs of America's revolution could always be seen—in Lincoln's words—''in the form of a husband, a father, a son or a brother. . . . A living history was to be found in every family . . . in the limbs mangled, [and] in the scars of wounds received . . . ''

Lincoln went on to say:

> But those histories are gone. They were the pillars of liberty; and now that they have crumbled away, that temple must fall—unless we, their descendants, supply their place with other pillars.

I would like to think that Lincoln would be relieved if he could see this great Nation today. We are 170 years further removed from our Founders than we were when the young Lincoln spoke those words at the Lyceum, but America is still filled with patriots who know and are willing to defend our founding principles. There are many of us, and we are vastly more diverse than the Americans of Lincoln's time, but there is still in us a deep and passionate longing to be one nation, one people, undivided.

We saw a glimpse of that desire in the dark days after 9/11. Sometimes we wondered if we could ever recover that sense of national unity and purpose. But look what is happening today. There is a deep longing in America today to transcend old divisions in order to meet our new challenges. It is a longing that goes far beyond political parties and labels of all kinds. We have not forgotten the principles on which our Nation was founded, nor have we forgotten the lessons Abraham Lincoln taught us. Our unity is our strength. Together we can overcome any challenge. We can finish the unfinished work of America and become a ''more perfect union.''

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CONGRESSMAN TOM LANTOS

Mrs. BOXER. Mr. President, California and the entire Nation lost a remarkable leader yesterday with the passing of my friend, Congressman TOM LANTOS.

From his leadership as chairman of the House Committee on Foreign Affairs to his founding of the Congressional Human Rights Caucus, Congressman LANTOS went about his work with a dignity and a seriousness that transcended politics. In a time of bitter divisions, he earned the respect of colleagues from both sides of the aisle.

As a survivor of the Holocaust, Congressman LANTOS brought to Congress a profound personal commitment to human rights. We will remember not only his courage and his optimism, but also his deep affection for his adopted country. He leaves behind a legacy of hope and inspiration.

On a personal level, it was an honor to call TOM a colleague and a friend. I was proud to work with him on so many important issues.

I remember working with him to secure funding to build a tunnel to bypass a section of Route 1 that was so frequently closed by landslides that it was known as ''Devil's Slide.'' It took years, but they broke ground on the tunnel in November. And it is a fitting tribute to the passion with which he served his constituents that there is a bill before the State senate to name that tunnel in his honor.

Congressman LANTOS was a true statesman, and we will miss him. My heart goes out to his family during this time of grief. They are in our thoughts and in our prayers.

APPROPRIATIONS EARMARKS

Mr. SPECTER. Mr. President, on October 23, 2007, Senator DEMINT and I

had a debate in the Senate on Senator DEMINT's amendment to strike $3.7 million in grants in the Appropriations bill for Labor, Health and Human Services and Education with $2.2 million going to the AFL–CIO Appalachian Council and $1.5 million to the AFL-CIO Working for America Institute. This funding applied to job-training programs covering some 11 States and the District of Columbia.

During the course of the debate, Senator DEMINT made the following statement:

> This amendment is part of an effort to clear up what a lot of us have called the culture of corruption over the last several years. A lot of this has come from Americans connecting the dots between the earmarks that we give to our favorite causes back home and many of the campaign contributions and political support that we get back here in Congress. While motivations are generally good, at best the appearance of what is going on here has alarmed the American people.

When I outlined my reasons for supporting these grants, Senator DEMINT replied:

> I agree with all the purposes the Senator stated, all of the ideas of getting teenagers to work in Philadelphia. All of those things are good. I am not taking argument with any of them. If the AFL–CIO is the best source to deliver these services, there should not be any problem with this at all. All we are asking is to make this a competitive grant so that we can have criteria and accountability in a system so that what we want to accomplish will actually get accomplished.

Senator DEMINT's amendment was rejected on a 60–34 vote.

After the floor debate and vote were over, Senator DEMINT and I discussed the issues in the debate. Senator DEMINT stated that he was not suggesting any corrupt practice or inappropriate conduct by me, but only that it was preferable to use the funds for competitive bids. Senator DEMINT and I agreed that it would be useful to correct any misimpressions by having this colloquy for the RECORD.

Mr. DEMINT. Senator SPECTER has correctly stated the conversation which we had after the floor debate and we agreed it would be useful to have this discussion to clear up the record. As I told Senator SPECTER privately and now state publicly, I was in no way suggesting that his support for these programs resulted from campaign contributions or political support. My reference to the ''culture of corruption'' was not intended to suggest that there was any corruption involved in this matter. In my statement, I was specific in not suggesting inappropriate motivations when I said ''motivations are generally good.'' I was also careful to focus on the ''appearance'' and not the reality by noting it ''has alarmed the American people.'' As many know, my objection to earmarks has to do with the system itself, not the people who participate in it. While Senator SPECTER and I naturally have differences on issues of public policy, which is to be expected in an institution like the Senate, I have worked with him during my tenure in the Senate of more than 3 years and do not question his integrity.

Mr. SPECTER. I thank Senator DEMINT for his candid and forceful statements which I think clear the record.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHAD A. BARRETT

Mr. SALAZAR. Mr. President, I rise today to honor the service and sacrifice of SSG Chad Barrett. Sergeant Barrett was assigned to the 64th Brigade Support Battalion, 3rd Brigade Combat Team, 4th Infantry Division out of Fort Carson, CO. He died last Saturday in Iraq at the age of 35.

A native of Jonesborough, TN, Chad grew up in a family with a proud history of service. By joining the Army, he followed in the footsteps of his older brothers, his cousins, and his grandfather, who earned the Purple Heart in World War II.

Chad was in his 12th year of service and his third deployment to Iraq when he died. He took on one of the most dangerous jobs of the war: that of a gunner tasked with defending supply convoys. Those convoys see it all: improvised explosive devices, rocket attacks, explosively formed penetrators, ambushes. Protecting the convoys is a job that takes courage, but it also takes a toll. In his second deployment, Sergeant Barrett's unit was attacked 42 times. He put himself in harm's way and no doubt saved countless lives, but each day, each mission, and each fight has a cost that we often forget. However steely one's nerves or how strong one's will, the daily sacrifices of our soldiers do cause wounds and injuries of their own. These wounds are sometimes less visible than those of a bullet or a blast, but they are no less painful and certainly no less deadly.

Mr. President, the daily heroics of Chad's service in Iraq will be remembered long after the words from this floor fade. This was a lesson of our 16th President, Abraham Lincoln, as he honored the tens of thousands who perished at Gettysburg. ''The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.'' As we honor the life of Sergeant Barrett, may we embrace this charge and rededicate ourselves to our unfinished work and to the dream for which every soldier serves—that of achieving stable and lasting peace.

To Sergeant Barrett's wife, Michelle, his sons, Guston and Zachary, his parents, Linda and Ronnie, and to all his family and friends, our thoughts and prayers are with you. I cannot imagine the pain and grief that you are feeling. In time, though, I hope your sorrow will be salved by the knowledge that Chad served his country with honor and that we are all grateful for his courage, sacrifice, and daily heroism. May his legacy always endure.

ADDITIONAL STATEMENTS

REMEMBERING LANCE CORPORAL JOHNATHON GOFFRED

• Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude, I wish to honor the life of a brave soldier. LCpl Johnathon Goffred, 22 years old, died unexpectedly on January 26 in Camp Pendleton, CA. Johnathon was a dedicated soldier, loving son, grandson and brother, and a valued friend to many.

Johnathan grew up in Johnson County, IN, with his paternal grandparents, Walter and MaryAnn Sparrow. He graduated from Center Grove High School in Greenwood in 2003, where he was active in sports and assisted the Center Grove Little League. It was his dream to become an Indiana State Police trooper.

In 2005, Johnathon joined the Marines where he was a rifleman with the 3rd Battalion, 1st Marine Regiment. Johnathon served a 7-month tour of duty in the Anbar province of Iraq, returning in 2007. For his excellent service, Johnathan was awarded the Global War on Terrorism Service Medal, the Iraqi Campaign Medal, the National Defense Service Medal, and a Sea Service Deployment Ribbon. His comrades remember him as a devoted friend who was generous with all he had. One of his fellow servicemen described him as the type of person who would give you the shirt off his back if you needed it.

Johnathan is survived by his mother, Angie Martin Goffred; his paternal grandparents, Walter and MaryAnn Sparrow; his maternal grandfather, Bill Goffred; his seven brothers, Dale, Shawn, Nick, Tom, Wes and Kragen Sparrow and Michael Paul; and his eight sisters, Tina Seril, Mellisa, Keria, Keisa, Quinci, Brianna, Shannon and Masada Sparrow.

Today, I join Johnathon's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and kindness that people will remember when they think of Johnathon. Today and always, Johnathan will be remembered by family members, friends, and fellow soldiers as a true American hero, and we honor his service to our country.

It is my sad duty to enter the name of LCpl Johnathon Goffred in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Johnathon's can find comfort in

the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Johnathon.●

RETIREMENT OF DARRELL KERBY

● Mr. CRAPO. Mr. President, good mayors are those who leave the communities, citizens, and environment of the towns they have led in better condition than when they were first elected. An exceptional mayor is one who imparts a vision of what the community could be and works with the members of his or her community and outside interests to achieve that vision. There are examples of this across my State of Idaho, and the outgoing mayor of Bonners Ferry, Darrell Kerby, is one such remarkable example.

Darrell is retiring from public service after serving the citizens of Bonners Ferry for over 20 years, first on the city council and most recently as mayor. He is known to city employees and the public as a man of outstanding character, courtesy, kindness, and confidence. His leadership has been marked by a penchant for conviction tempered in small-town graciousness. He was at the helm in 2003 when Bonners Ferry was selected as Idaho's Most Friendly Town by travelers and tourists. He was instrumental in the revitalization of downtown Bonners Ferry through the construction of the tunnel connecting the downtown business area to the Kootenai River Inn. He promoted the construction of the International Gateway Visitors Center, improved parking in the downtown business district, secured improvements to and expansion of the city water system that included obtaining a critical Federal grant, led improvements to the city powerplant, and fueled positive city growth.

Darrell's participation in the community extends beyond his mayoral office. He has served or serves on the Boundary Regional Health Center Board of Directors, the Idaho Board of Health & Welfare, the Association of Idaho Cities, the Idaho Energy Resources Authority, the Boundary County Economic Development Committee, and the Kootenai Valley Resource Initiative Committee, a collaborative effort that I have been pleased to work with him on over the years. Speaking of the Kootenai Valley Resource Initiative, Darrell has been instrumental in keeping my staff informed and involved as the stakeholders involved work to collaboratively manage the natural resources of the Kootenai Valley and begin restoration work on the Myrtle Creek Watershed after the devastating fire in 2003.

Darrell received the Harold Hurst Award in 2007 for exemplary performance by a city official and has contributed in an outstanding manner to the accomplishments of the Association of Idaho Cities.

I wish Darrell well in his retirement and thank him for his exemplary years of public service. The residents of Bonners Ferry and Boundary County, as well as the State of Idaho, have gained immeasurably from Darrell's efforts and dedication.●

RETIREMENT OF MARK SMITH

● Mr. HARKIN. Mr. President, today I pay tribute to a very special Iowan and a truly exceptional labor leader, Mark Smith. Mark retired earlier this month after serving 28 years in leadership roles in the Iowa Federation of Labor. He served as secretary-treasurer from 1974 until 1997, and as president from 1997 until his retirement. Throughout, he has remained a member of the American Federation of Teachers, Local 716.

Prior to coming to the Iowa Federation of Labor, Mark spent 5 years as an instructor at the University of Iowa's Labor Center, where he taught up-and-coming union leaders about labor law, labor history, communication, leadership, economics, and public policy. Mark may have left the classroom, but he never stopped being a teacher and mentor. He has always believed strongly that to achieve real successes for working families and to advance a progressive public policy agenda, it is critical to train people to organize and advocate for themselves.

Throughout his distinguished tenure as IFL president, Mark was respected for his keen intelligence and his direct, honest, feisty style of doing business. He understood the political system, and how to get things done. He didn't believe in top-down political engagement; he believed in organizing and empowering people at the grass roots to fight for a brighter future—and to win.

Mark is a proud progressive, with a passion for economic and social justice. He is also a passionate believer in bringing people together in collective action, whether in the political arena, at the bargaining table, or in the community. He has devoted his life to building stronger unions because he believes that they are an ideal vehicle for effecting positive change for ordinary people.

For many years, I have counted on Mark for his friendship, counsel, and support—and that will not change. But his retirement is a tremendous loss for working families and for the labor movement in Iowa. In the Bible, it says that ''if the trumpet gives an uncertain sound, who will prepare himself for battle?'' For more than a decade as president of the Iowa Federation of Labor, there has been nothing uncertain about Mark Smith's trumpet. He has been a great labor leader, and a strong, unwavering voice for progressive change. I wish him a long and happy retirement with his family, including wife Marty, daughter Christine, sons Michael and Erich, and grandson Isaiah.●

TRIBUTE TO DENNIS SWANSON

● Mr. LIEBERMAN. Mr. President, today I wish a happy 70th birthday to Mr. Dennis Swanson, a kind and generous man who has been one of the leading innovators in television broadcasting over the last 30 years.

Mr. Swanson, who currently serves as president of stations operations at FOX Television Stations, Inc., has been called a ''mastermind'' of the broadcast industry. It is high praise, and very well deserved. With keen foresight, tremendous business acumen, and a willingness to take chances, Swanson has improved the fortunes of every station he has worked for. Most importantly, he did this not by offering viewers programs that appealed to the lowest common denominator, but instead he developed creative, high-quality programming that appealed to the needs of the stations' communities.

In 1976, Swanson was hired as executive producer of KABC, Los Angeles' ABC affiliate. At that time, the station had never finished higher than third in local news ratings, and Swanson saw that the station needed to do something to offers its viewers a new perspective. In 1977, with the debate over Proposition 13 raging throughout California, Swanson invited the measure's author, Howard Jarvis, to come on the 5 p.m. newscast and debate the measure's opponents every day for a month. In addition, Swanson worked hard to improve the quality of the station's reporting. These efforts paid off when in 1978 he was awarded the George Foster Peabody Award, the most prestigious award in broadcasting, for KABC's reporting on the Los Angeles Police Department. KABC became the No. 1 station in the region, and Swanson was promoted to station manager in 1981.

In 1983, Swanson was asked to take over WLS–TV, an ABC owned and operated station in Chicago with low ratings. It is here that Swanson made perhaps the best broadcasting decision of his career and one that reveals his strong character. Impressed by her audition, Swanson offered a morning show to a woman from Baltimore with a unique name. As Swanson recalled years later, Oprah Winfrey wasn't sure she was ready for such a job. She was concerned that her color and appearance would prevent her from winning over viewers. Swanson would have none of that, ''I'm not in the color business,'' he told her. He assured her that he didn't want her to change her appearance, but to simply ''be the person I saw audition.''

As we all know, the decision to hire Oprah was an unqualified success, rocketing WLS to the top of the Chicago market and eventually reaping billions in revenues for ABC. It also launched the career of one of the most influential and inspirational figures in America today.

In 1986, Swanson moved to New York to take the helm at ABC Sports. During his tenure, ABC's top sports program, ''Monday Night Football,'' became one of America's top-rated primetime programs, consistently ranking in the top-10 highest rated shows. He also pulled one of the most remarkable developments in sports programming history when he convinced the International Olympic Committee to stagger its winter and summer games so the Olympics would occur every other year. This decision has been credited with keeping the public interested in the games and promoting the Olympics' message of sportsmanship and friendly competition. Additionally, Swanson was integral in the development of the Bowl Championship Series, an agreement between the four major college football bowl games that allows for the top two teams to play for the national championship at the end of each year.

In 1996, Swanson went to work as general manager for WNBC, NBC's flagship station in New York. The station was running second to longtime market leader WABC–TV, but needed a creative spark to put it over the top. As he had done in L.A. and Chicago, Swanson focused on providing viewers with high-quality community programming. He convinced network executives to broadcast the Christmas tree lighting at Rockefeller Center live during prime time. It was a huge hit. True to form, the station under Swanson broadcast other community events, such as the St. Patrick's Day Parade and the Puerto Rican Pride day parade, ensuring that many New Yorkers who were unable to attend the parades could still feel like part of the festivities. When Swanson left WNBC in 2002, the station, like those he left in Chicago and Los Angeles, was the ratings leader for its market.

After leaving WNBC, Swanson served as executive vice president and chief operating officer of Viacom Television Stations, Inc., where he oversaw 39 television stations throughout the country. While his tenure there was brief, having left for FOX in 2005, at the time of his departure Viacom's stations in New York and L.A. were increasing in market share, as were several stations in smaller markets. He now is in charge of FOX's 35 local television stations.

For all the success he has had, focusing solely on Mr. Swanson's professional success doesn't even allow one to scratch the surface of his rich life. Far from the apocryphal career-obsessed television executive of popular lore, for him serving the community was not just a strategy for increasing television ratings but a way of life. He has served on the boards and advisory committees of various organizations, including the Broadway Association, Inc., the National Academy of Television Arts and Sciences, the Committee for Hispanic Children and Families, Inc, and the Ireland-United States Council for Commerce and Industry. He has also been active in efforts to promote minority voices in the media, serving as chairman of the Emma L. Bowen Foundation for Minority Interests in the Media since its founding in 1991.

Those who know him best say Mr. Swanson has two passions: his family and the U.S. Marine Corps. Having served in the Marines as an officer in the early 1960s, he often credits the corps with helping make him the man he is today. He has given back, raising millions for the Marine Corps Scholarship Foundation and the Intrepid Fallen Heroes Fund.

But first and foremost for Mr. Swanson is his family. Despite his busy schedule, he strives to spend as much time as possible with Kathy, his wife of 46 years, their three children and nine grandchildren. He makes it a point to be with them for every holiday and special event. All of his grandchildren have their grandfather attend their events, whether they are hockey games in Connecticut at 6 a.m. or theatrical plays and lacrosse games in northern Virginia or ballets and soccer games in southern California; Dennis is always there for them

When looking upon all that Mr. Swanson has accomplished both professionally and personally, it is difficult to imagine that there is more that he can do. Yet his dedication and creativity have proven resilient over the years, so one can only expect bigger and better things from him. I look forward to seeing what kind of new and innovative ideas he develops in the future.

Happy birthday, Dennis Swanson. May your 70th year be your best one yet.●

TRIBUTE TO LOUIE KROGMAN

● Mr. THUNE. Mr. President, today I honor Louie Krogman from White River, SD. On December 20, 2007, Louie scored his 2,826th point to become South Dakota's all-time leading boys basketball scorer.

Louie broke the former record of 2,825 points when he sank a free throw in the first half of White River's game against Pine Ridge during the Lakota Nation Invitational Tournament in Rapid City, SD. The 5,000 fans in attendance rose to their feet and honored him with a standing ovation. Before the game continued, the Lakota Nation honored Louie with a Lakota name and serenaded him with a Lakota honor song while he donned a traditional Native quilt. When the game resumed, Louie continued his dominance and led the Tigers to a decisive victory. Louie broke the 50-year-old record notably early in the 2007–2008 season, which leaves him plenty of time to continue to build on an amazing high school career.

This prestigious achievement is a direct result of the hard work and dedication that Louie has demonstrated throughout his career at White River High School. During his career, Louie was twice selected to the all-state basketball first team, named all-conference first team four times, named the Argus Leader player of the year, and chosen for the State ''B'' Tournament All-Tourney team. Through his hard work, leadership, athletic abilities, and a great supporting cast Louie has helped the Tigers become one of South Dakota's top basketball teams.

Mr. President, it gives me great honor today, along with Louie's friends, family, and the State of South Dakota, to congratulate him on this impressive accomplishment.●

TRIBUTE TO DON MEYER

● Mr. THUNE. Mr. President, today I honor Don Meyer, the head men's basketball coach at Northern State University, NSU, in Aberdeen, SD. Coach Meyer recently won his 880th coaching career victory and currently has the most wins of any active coach in men's basketball. This accomplishment places Coach Meyer in second place on the collegiate all-time win list, trailing only Bobby Knight.

Coach Meyer began coaching at NSU in 1999 and has led the Wolves to 178 victories. Prior to coming to Aberdeen, he coached for 24 seasons at David Lipscomb University in Nashville, TN, and three seasons at Hamline University in Minneapolis, MN.

Despite his many accomplishments, Don Meyer has remained extremely humble. He is always quick to praise his assistant coaches, players, and fans for the invaluable role they play in his accomplishments. This humility has earned him the respect and admiration of his players. His excellent example of leadership and teamwork has even inspired one of his former players to write a book chronicling his time playing for Coach Meyer.

Coach Meyer is truly an example of the dedication and inspiration that is found in South Dakota's coaches. He has given the young people of South Dakota a fine example of what it means to be leader both on and off the court. On behalf of the State of South Dakota, I am proud to commend Coach Meyer on this impressive accomplishment and wish him and the Wolves all the best for their continued success.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, February 12, 2008, he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

H.R. 3541. An act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

ENROLLED BILL SIGNED

At 5:02 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. McCASKILL (for herself and Mr. BOND):

S. 2622. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Road in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska:

S. 2623. A bill to amend title 37, United States Code, to authorize travel and transportation allowances for mobilized members of the reserve components of the Armed Forces on leave for suspension of training or to meet minimal staffing requirements, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. INOUYE, and Mr. DURBIN):

S. 2624. A bill to regulate political robocalls; to the Committee on Rules and Administration.

By Mr. HARKIN:

S. 2625. A bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2626. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sergeant Michael M. Kashkoush Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 447. A resolution honoring Friendship Force International and recognizing March 1, 2008 as World Friendship Day; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. Res. 448. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

By Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. ISAKSON, Mr. BAUCUS, Mr. COLEMAN, Ms. SNOWE, Mr. STEVENS, Mr. BROWNBACK, Mr. LIEBERMAN, Mrs. DOLE, and Mr. MARTINEZ):

S. Res. 449. A resolution condemning in the strongest possible terms President of Iran Mahmoud Ahmadinejad's statements regarding the State of Israel and the Holocaust and calling for all member States of the United Nations to do the same; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 430

At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1734

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1734, a bill to provide for prostate cancer imaging research and education.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1889

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1889, a bill to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2186

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2186, a bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2322

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2322, a bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

S. 2347

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2389

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2433

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

At the request of Mr. DODD, his name was added as a cosponsor of S. 2433, supra.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from West Virginia (Mr. BYRD), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2560

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 2568

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2568, a bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. 2585

At the request of Mr. HARKIN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2587

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2587, a bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors.

S. 2588

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2588, a bill to require that funds awarded to States and political subdivisions for the State Criminal Alien Assistance Program be distributed not later than 120 days after the last day of the annual application period.

S. 2596

At the request of Mr. DEMINT, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 2596, a bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

S. 2602

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2602, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States.

S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

AMENDMENT NO. 3910

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3910 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3912

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3912 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3920

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3920 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. INOUYE, and Mr. DURBIN):

S. 2624. A bill to regulate political robocalls, to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Robocall Privacy Act of 2008, cosponsored by my colleagues Senator SPECTER, Senator INOUYE and Senator DURBIN. This is a simple, straight-forward bill that would allow continued political outreach through prerecorded phone messages, but protect American families from being inundated by calls all through the day and night.

In recent years, we have seen an unparalleled development of new technologies that help political candidates reach out to voters.

This is a good thing. Political speech is essential, and should be protected. The vast majority of these technological developments bolster the Democratic process, promoting an interchange of information and ideas.

One of these is the so-called robocall, in which a prerecorded message can be sent out to tens of thousands of voters at a minor cost through computer automation.

With television and radio ads becoming so expensive, these prerecorded calls can play an important role alerting voters to a candidate's position and urging their support at the polls.

A recent Pew Foundation poll found that 80 percent of Iowans in the recent primaries received automated political robocalls. A high level of sophistication goes into these robocalls—they are targeted and specific software dictates who is called, and when.

But the process can be abused. And we all have heard stories about people being called over and over and over again at all hours of the day and night.

I believe this is wrong. Not only is it interfering with the privacy rights of Americans, but it can turn people away from the political process itself.

Commercial calls are already limited by the Federal Trade Commission's ''Do Not Call'' list—with millions of individuals subscribing. But political calls were specifically exempted from that list.

Let me be clear: I am not seeking to eliminate all robocalls. Instead, this legislation is carefully designed to provide some safeguards without halting the practice altogether.

The Robocall Privacy Act of 2008 bans political robocalls to any person from 9 p.m. in the evening and a.m. in the morning.

It also bans more than two political robocalls from each campaign to the same telephone number per day, bans the caller from blocking the ''caller identification'' number, and requires an announcement at the beginning of the call identifying the individual or organization making the call and the fact that it is a pre-recorded message. This is to prevent misinformation about the caller.

The enforcement provisions of this bill are simple and intent on stopping the worst of these calls. The bill creates a civil fine for violators of the law, with additional fines for callers who willfully violate the law.

The bill also allows voters to sue to stop those calls immediately, but not receive money damages. A judge can order violators of the law to stop these abusive calls.

Why are these provisions so important? Let me briefly describe some recent incidents:

Hundreds of robocalls woke voters up at 2 in the morning during a 2007 New York election—because of a software programming error. The calls were supposed to occur at 2 p.m.

In the Nebraska 3rd District Congressional Election, voters complained to candidate Scott Kleeb when they received dozens of calls, containing poor-quality versions of his voice. Kleeb's supporters claim that his voice was recorded, and used in an abusive robocall against him.

In the 2006 Congressional elections, many calls wrongly implied that one candidate was making a robocall. The message began with a recorded voice stating that the call contained information about U.S. Representative MELISSA BEAN. Some voters called BEAN's office to complain without listening to the entire message, which eventually identified an opposing party committee as the sponsor—when most voters had hung up. Representative BEAN had to spend campaign funds informing voters she had not made that call.

The National Do Not Call Network—a nonprofit focused on this issue—has indicated voters receive many calls a day. They have reported as much as 37 political phone calls in one day for one voter. That same organization reports that 40 percent of its membership indicated it received between 5 and 9 calls a day during the election season.

In a recent Texas campaign, a negative robocall was sent to voters early in the morning—supposedly from one of the candidates. That candidate immediately protested it was not done on his behalf—but instead was an attempt to smear him by using his name. Voters became furious at the call.

In a Maryland race in November 2006, in a conservative area residents received a middle-of-the-night robocall from the nonexistent ''Gay and Lesbian Push,'' urging them to support one of the candidates. That candidate lost the election, and enraged voters about the false, late-night call.

Repeated robocalls to Tennessee resident Jonathan Gregory caused him to complain to The Tennessean newspaper: ''It's extremely annoying, and it's like getting telemarketing calls at work. . . . I think they should have some type of limit on how many times they can call the same number.''

A February 1 Letter to the Editor of the Harrisburg Patriot-News, from a woman from East Pennsboro, PA, indicated that she received many political robocalls to her personal cell phone and was billed for each call.

I am a strong supporter of the First Amendment protection for political speech and I want to encourage the free exchange of information about candidates.

But I also believe people should have a right to be protected from the most egregious forms of abuse.

However, the worst of these calls are disturbing people in their homes by forcing them to answer calls and listen again and again. Something must be done.

The bill does not ban robocalls. It merely provides a reasonable framework of tailored time, place, and manner restrictions.

I hope my colleagues join me in supporting the Robocall Privacy Act of 2008.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 447—HONORING FRIENDSHIP FORCE INTERNATIONAL AND RECOGNIZING MARCH 1, 2008 AS WORLD FRIENDSHIP DAY

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 447

Whereas the nonprofit organization Friendship Force International was founded in Atlanta in 1977 to promote international understanding and good will;

Whereas, since 1977, nearly 1,000,000 individuals all over the world have traveled as Friendship Force Citizen Ambassadors or opened their homes as hosts in order to promote international understanding;

Whereas, today, Friendship Force International has more than 35,000 members in 40 States and 58 foreign countries who are building bridges across the cultural barriers that separate people;

Whereas, in order to celebrate on an annual basis its mission to support the cause of peace through international understanding, Friendship Force International has set March 1 of each year as World Friendship Day; and

Whereas Friendship Force International chapters around the world are urging people everywhere to celebrate World Friendship Day on March 1, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) honors Friendship Force International for promoting international understanding and good will in the world; and

(2) recognizes the celebration of World Friendship Day on March 1, 2008, and asks people everywhere to mark and celebrate the day appropriately.

SENATE RESOLUTION 448—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 448

Resolved, That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Foreign Relations: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, Mr. Vitter, Mr. Barrasso.

SENATE RESOLUTION 449—CONDEMNING IN THE STRONGEST POSSIBLE TERMS PRESIDENT OF IRAN MAHMOUD AHMADINEJAD'S STATEMENTS REGARDING THE STATE OF ISRAEL AND THE HOLOCAUST AND CALLING FOR ALL MEMBER STATES OF THE UNITED NATIONS TO DO THE SAME

Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. ISAKSON, Mr. BAUCUS, Mr. COLEMAN, MS. SNOWE, Mr. STEVENS, Mr. BROWNBACK, Mr. LIEBERMAN, Mrs. DOLE, and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 449

Whereas President of Iran Mahmoud Ahmadinejad stated on October 26, 2005, that ''The establishment of the Zionist regime was a move by the world oppressor against the Islamic world'';

Whereas President Ahmadinejad stated on October 26, 2005, that ''Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury'';

Whereas President Ahmadinejad stated on October 26, 2005, that ''There is no doubt that the new wave in Palestine will soon wipe off this disgraceful blot from the face of the Islamic world'';

Whereas President Ahmadinejad stated on October 26, 2005, ''Is it possible for us to witness a world without America and Zionism? But you should know that this slogan, this goal, can certainly be achieved'';

Whereas President Ahmadinejad stated on October 26, 2005, that ''The skirmishes in the occupied land are part of a war of destiny. The outcome of hundreds of years of war will be defined in Palestinian land. As the Imam said, Israel must be wiped off the map'';

Whereas President Ahmadinejad stated on December 14, 2005, that ''They have invented a myth that Jews were massacred and place this above God, religions and the prophets'';

Whereas President Ahmadinejad stated on December 14, 2005, that ''If you have burned the Jews, why don't you give a piece of Europe, the United States, Canada or Alaska to Israel. Our question is, if you have committed this huge crime, why should the innocent nation of Palestine pay for this crime?'';

Whereas President Ahmadinejad stated on February 11, 2006, that ''The real Holocaust is what is happening in Palestine where the Zionists avail themselves of the fairy tale of Holocaust as blackmail and justification for killing children and women and making innocent people homeless'';

Whereas President Ahmadinejad stated on February 11, 2006, that ''We ask the West to remove what they created sixty years ago and if they do not listen to our recommendations, then the Palestinian nation and other nations will eventually do this for them'';

Whereas President Ahmadinejad stated on February 11, 2006, ''Remove Israel before it is too late and save yourself from the fury of regional nations'';

Whereas President Ahmadinejad stated on April 15, 2006, that ''Whether you like it or not, the Zionist regime is heading toward annihilation. The Zionist regime is a rotten, dried tree that will be eliminated by one storm'';

Whereas President Ahmadinejad stated on April 24, 2006, that ''We say that this fake regime cannot logically continue to live'';

Whereas President Ahmadinejad stated on May 11, 2006, that ''The West claims that more than six million Jews were killed in World War II and to compensate for that they established and support Israel. If it is true that the Jews were killed in Europe, why should Israel be established in the East, in Palestine?'';

Whereas President Ahmadinejad stated on December 12, 2006, that ''Thanks to people's wishes and God's will the trend for the existence of the Zionist regime is downwards and this is what God has promised and what all nations want . . . Just as the Soviet Union was wiped out and today does not exist, so will the Zionist regime soon be wiped out'';

Whereas President Ahmadinejad stated on June 3, 2007, that ''With God's help, the countdown button for the destruction of the Zionist regime has been pushed by the hands of the children of Lebanon and Palestine . . . By God's will, we will witness the destruction of this regime in the near future'';

Whereas President Ahmadinejad stated on September 12, 2007, that ''We do not accept or officially recognize Israel. They are occupiers and illegitimate''; and

Whereas President Ahmadinejad stated on January 30, 2008, ''I advise you to abandon the filthy Zionist entity which has reached the end of the line. It has lost its reason to be and will sooner or later fall'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms President of Iran Mahmoud Ahmadinejad's hateful and anti-Semitic statements regarding the State of Israel and the Holocaust; and

(2) calls on all member States of the United Nations to publicly condemn President Ahmadinejad's statements as a violation of the principles of both the United Nations Charter and the Universal Declaration of Human Rights.

Mr. SMITH. Mr. President, I rise today with my colleague Senator LAUTENBERG of New Jersey to introduce a resolution condemning the comments made by Iranian President Ahmadinejad on Israel and the Holocaust.

For too long, the civilized world has remained silent while the leader of Iran has threatened Israel's survival and denied the existence of the Holocaust. Since the inception of his term in office in 2005, President Ahmadinejad has continually been the mouthpiece for the vilest, most base examples of anti-Semitism and hate. Standing against this ceaselessly hostile rhetoric and threats, the State of Israel should be afforded the full support of the United States and the international community. President Ahmadinejad's denial of the Holocaust—one of the most appalling crimes against humanity the world has ever known—is likewise unacceptable and outrageous. My colleagues and I condemn these comments in the strongest possible terms, and call for all the civilized nations of the world to do likewise.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4018. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4018. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

On page 7, beginning on line 14, strike '', consistent with the requirements of section 101(h) or section 301(4), minimization procedures'' and insert ''minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4)''.

On page 8, line 13, strike ''168 hours'' and insert ''7 days''.

On page 26, beginning on line 22, strike ''consistent with the requirements of section 101(h) or section 301(4)'' and insert ''that meet the definition of minimization procedures under section 101(h) or section 301(4)''.

On page 32, line 3, strike ''subsection (2)'' and insert ''subsection (b)''.

On page 35, line 6, strike ''obtained;'' and insert ''obtained,''.

On page 35, line 18, strike ''168 hours'' and insert ''7 days''.

On page 35, line 24, strike ''subsection'' and insert ''section''.

On page 36, line 6, strike ''168 hours'' and insert ''7 days''.

On page 36, line 16, strike ''168-hour'' and insert ''7-day''.

On page 40, beginning on line 16, strike ''consistent with the requirements of section 101(h) or section 301(4)'' and insert ''that meet the definition of minimization procedures under section 101(h) or section 301(4)''.

On page 44, line 15, strike ''clause'' and insert ''subparagraph''.

On page 45, line 15, strike ''obtained;'' and insert ''obtained,''.

On page 46, line 2, strike ''168 hours'' and insert ''7 days''.

On page 46, line 8, strike ''subsection'' and insert ''section''.

On page 46, lines 14 and 15, strike ''168 hours'' and insert ''7 days''.

On page 46, line 24, strike ''168-hour'' and insert ''7-day''.

On page 48, beginning on line 13, strike ''orders under section 704(b) or section 705(b)'' and insert ''orders under section 704(c) or section 705(c)''.

On page 54, beginning on line 22, strike ''during the period such directive was in effect'' and insert ''for information, facilities, or assistance provided during the period such directive was or is in effect''.

On page 60, line 4, strike ''reasonably''.

On page 60, line 5, strike ''determines'' and insert ''reasonably determines''.

On page 60, line 10, strike ''determines'' and insert ''reasonably determines''.

On page 60, lines 20 and 21, strike ''168 hours'' and insert ''7 days''.

On page 61, line 7, strike ''168 hours'' and insert ''7 days''.

On page 65, line 6, strike ''168 hours'' and insert ''7 days''.

On page 65, lines 16 and 17, strike ''168 hours'' and insert ''7 days''.

On page 67, line 2, strike ''168 hours'' and insert ''7 days''.

On page 67, line 4, strike ''168 hours'' and insert ''7 days''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 26, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on U.S. oil inventory policies, including the Strategic Petroleum Reserve policies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to *Rosemarie_*Calabro@energy.senate.gov

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 27, 2008, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider two nominations: Stanley C. Suboleski, of Virginia, to be an Assistant Secretary of Energy (Fossil Energy), vice Jeffrey D. Jarrett, resigned; and, J. Gregory Copeland, of Texas, to be General Counsel of the Department of Energy, vice David R. Hill.

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 14, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on the President's fiscal year 2009 budget request for tribal programs.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 12, 2008, at 9:30 a.m., in open and closed session to receive testimony on Air Force nuclear security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, in order to conduct a hearing entitled: ''Addressing Healthcare Workforce Issues For the Future.''

The hearing will take place on Tuesday, February 12, 2008, at 2:30 p.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled ''Judicial Nominations'' on Tuesday, February 12, 2008, at 2:30 p.m., in room SR–301 of the Russell Senate Office Building.

Witness list

James Randal Hall to be United States District Judge for the Southern District of Georgia, Richard H. Honaker to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear, IV to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller to be United States District Judge for the Eastern District of Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 12, 2008, at 2:30 p.m., in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled ''Federal Cocaine Sentencing Laws: Reforming the 100-to-1 Crack/Powder Disparity'' on Tuesday, February 12, 2008, at 2:30 p.m., in the Dirksen Senate Office Building, room 226.

Witness list

John Richter, United States Attorney, Western District of Oklahoma, U.S. Department of Justice; The Honorable Ricardo H. Hinojosa, Chair, U.S. Sentencing Commission, Washington, DC; The Honorable Reggie B. Walton, United States District Judge, Member, Criminal Law Committee, Federal Judicial Conference, Washington, DC; Nora Volkow, M.D., Director, National Institute on Drug Abuse, U.S. Department of Health & Human Services, Washington, DC; and James Felman, Co-Chair, Sentencing Committee, Criminal Justice Section, American Bar Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 448, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 448) making minority party appointments for the 110th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 448) was agreed to, as follows:

S. RES. 448

Resolved, That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Foreign Relations: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, Mr. Vitter, Mr. Barrasso.

ORDERS FOR WEDNESDAY, FEBRUARY 13, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, February 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with 1 hour of debate only, equally divided, prior to a cloture vote on the conference report to accompanying H.R. 2082, the Intelligence Authorization Act for fiscal year 2008.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tomorrow, the first vote of the day is expected to occur shortly after 10:30 a.m. on the motion to invoke cloture on the intelligence authorization conference report.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Wednesday, February 13, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL HOSPITAL INSURANCE TRUST FUND

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

FEDERAL INSURANCE TRUST FUNDS

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE THOMAS R. SAVING.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2008, VICE HENRY LOZANO, RESIGNED.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013. (REAPPOINTMENT)

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012, VICE MIMI MAGER, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

PERRI KLASS, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

FOR A TERM EXPIRING NOVEMBER 25, 2009, VICE WILLIAM T. HILLER, TERM EXPIRED.

KATHERINE MITCHELL, OF ALABAMA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2010, VICE MARK G. YUDOF, RESIGNED.

EDUARDO J. PADRON, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2009, VICE JUAN R. OLIVAREZ, TERM EXPIRED.

ALEXA E. POSNY, OF KANSAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2008, VICE CAROL C. GAMBILL, TERM EXPIRED.

TIMOTHY SHANAHAN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2010. (REAPPOINTMENT)

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2009. (REAPPOINTMENT)

WITHDRAWALS

Executive Message transmitted by the President to the Senate on February 12, 2008 withdrawing from further Senate consideration the following nominations:

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE MARK G. YUDOF, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

IN HONOR OF THE PARISHIONERS OF WESTWOOD UNITED METHODIST CHURCH ON THE OCCASION OF THE 100TH ANNIVERSARY OF THE CHURCH

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the 100th anniversary of Westwood United Methodist Church and to pay tribute to the legacy of community service that has marked that parish since its inception.

On February 10, 1908, twenty people first organized the parish as the First Methodist Episcopal Church of Westwood. The first services were held almost two weeks later in Odd Fellows Hall in Westwood. As the church grew, a sanctuary and parish building were built. The original sanctuary, which is now a part of the education wing, was built in 1913. The sanctuary now in use was dedicated in 1960.

Community service has always been a cornerstone of Westwood United Methodist Church's mission. Longtime member Ada Hampton helped to organize the Westwood Area Clergy Council and Westwood United Methodist Church has been an active participant since its inception. The parish worked with other community congregations to establish the Westwood House for Senior Citizens. They established the Family Food Cupboard and actively support the Helping Hand Food Pantry in Hillsdale, including through their September Food Drive. The Church regularly opens its doors to area self-help groups, like Alcoholics Anonymous. Gamblers Anonymous, and Alanon. And the Church has offered its facilities to the community as a crisis center in the event of a catastrophic emergency.

The Church has recently opened up a not-for-profit thrift shop to support charitable work. Westwood United Methodist Church has also been a longstanding, strong supporter of scouting, having been home to Troop 47 for over 80 years. The Twin Valleys District of the Northern New Jersey Council often looks to the Church for a meeting and event location. During the holidays. Westwood United Methodist works with the Bergen County Division of Youth and Family Services to brighten Christmas for less fortunate children through Operation Santa Claus. They work with the Inter-Religious Fellowship to provide meals for the homeless as well.

This parish provides a tremendous public service beyond its own church community and I commend them for their good works as they rededicate themselves to another century of service.

IN RECOGNITION OF BROTHER ROBERT E. LAVELLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Brother Robert E. Lavelle. Born in Cleveland, Brother Robert has a philosophy to preserve the past while being a catalyst for initiating change that is needed for the future. He has one of the longest tenures of any independent school headmaster in this country. In his more than 27 years of dedicated work as Headmaster of Gilmour Academy, student enrollment has increased, the school's endowment has climbed, and the school has completed cutting-edge technologies that have been incorporated into a 21st century curriculum.

Under his skillful guidance, Gilmour Academy has developed a challenging curriculum with classes that are designed to help students learn to think critically and solve problems in a project-oriented world. The school has grown as a result of the brilliant insight of Brother Robert.

Madam Speaker and colleagues, please join me in recognizing Brother Robert E. Levelle for his long tenure of servitude to Gilmour Academy. May his commitment to education serve as an example for us all and inspire future educators.

COMMENDING CIVIC WORKS FOR RECEIVING THE CORPS NETWORK'S EXCELLENCE IN CORPS OPERATIONS STATUS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. SARBANES. Madam Speaker, I rise today to commend Civic Works' service to Baltimore and to congratulate the organization for earning the Corps Network's Excellence in Corps Operations (ECO) Status.

Civic Works' strong commitment to the local community is defined in its mission to assist Baltimore residents in creating a better future for their city. With the help of approximately 200 AmeriCorps volunteers each year, Civic Works serves Baltimore by performing a variety of tasks such as tutoring and mentoring children, building community parks and gardens, and rehabilitating abandoned houses for low-income families. The volunteers participate in team-based projects and weekly academic enrichment to effect positive change in their lives and their community. Each year, Civic Works also trains and helps 200 Baltimore residents find employment through its Health Care Careers Alliance partnership with five of Baltimore's hospitals and the B'more Green environmental technician training and certification program. Since its creation in 1993, Civic Works has trained and assisted more than 2,500 Baltimore area participants.

The ECO Status is bestowed upon various Service and Conservation Corps that make a commitment to high-quality standards and continuous improvements. Each organization's performance is reviewed in several areas through self-assessment and peer reviews. This year's evaluation revealed that Civic Works "exhibits a strong commitment to its local community which can be seen throughout all its programs and projects. Community partners and residents clearly benefit from the work Civic Works completes."

ECO also recognized Civic Works for their "consistently clean financial record and for Board members and staff that are extremely engaged." One reason for such glowing reviews is the leadership of its president and executive director, Delegate Dana Stein. Mr. Stein is one of the original co-founders of Civic Works. He has served as a leader in the Baltimore community in several capacities, most recently being elected to the Maryland House of Delegates from the 11th District. Dana is committed to improving the lives of those who live and work in the Baltimore community and that commitment is replicated by those who have worked with him to help Civic Works achieve this status.

Madam Speaker, on behalf of all those who have benefited directly and indirectly from this commitment, I want to once again congratulate Civic Works on achieving the Excellence in Corps Operations Status.

RUSSELL J. "RUSTY" HAMMER: HONORING A LIFETIME OF SERVING THE COMMUNITY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Ms. HARMAN. Madam Speaker, my many years of public service have been enhanced by contact with talented community leaders representing numerous organizations and every part of the political spectrum. Among them, Russell J. "Rusty" Hammer—former President and CEO of the Los Angeles Area Chamber of Commerce—stood out.

Rusty died in late January at the young age of 54, succumbing to a rare form of leukemia that he had been fighting with characteristic courage and grace since 2003. He is survived by his wife Pamela and children Gerald and Jennifer.

Rusty Hammer's career was marked by early political success with his election, at age 18, to the Campbell, California City Council—making him the youngest elected official in U.S. history at that time. Three years later, he was selected as mayor, making him one of the youngest American mayors ever. In 1982, he retired from politics, began a distinguished career in the private sector, and never looked back.

In 2001, following 7 years as CEO of the Sacramento Metropolitan Chamber of Commerce, Rusty grabbed the reins of the Los Angeles Chamber. Under his skilled leadership, the LA Chamber was transformed into a thriving and profitable organization—the "go-to" group for area entrepreneurs and businesses of all sizes.

Rusty was also a passionate advocate for the least fortunate, and understood that good schools and a healthy environment are fundamental to the Los Angeles area's appeal.

Rusty's insatiable spirit was evident during his battle with cancer. He published a book—"When Cancer Calls Say Yes to Life"—which he said he wrote to help others struggling with the disease.

Madam Speaker, Rusty Hammer touched many lives. He will be missed.

HONORING TIAN-LI YUE FOR RECEIVING THE 20TH ANNUAL PhRMA DISCOVERERS' AWARD

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. SESTAK. Madam Speaker, each year, the Pharmaceutical Research and Manufacturers of America (PhRMA) presents awards to researchers who have made incredible contributions to the development of a revolutionary medicine that helps patients live longer, healthier lives.

Today, Tian-Li Yue received the 20th Annual PhRMA Discoverers Award from PhRMA. The Discoverers Award is PhRMA's highest honor and is presented to the biopharmaceutical scientists whose research and development of medicines have greatly benefited mankind, and whose dedication and interest in improving the quality of life of patients exemplifies the best in the research.

This year's award has justly been presented to a cutting-edge researcher, and my constituent, Tian-Li Yue, who works for GlaxoSmithKline located in my home state of Pennsylvania.

Therefore, on behalf of the U.S. Congress I would like to recognize Tian-Li Yue, Ph.D. for developing Coreg(r), which is used as a treatment for congestive heart failure.

His unwavering dedication and life's work to improve the health and well being of mankind are to be commended. Patients suffering from heart failure and hypertension are forever in his debt.

IN RECOGNITION OF SISTER JOAN GALLAGHER, CSA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Sister Joan Gallagher, in celebration of her years of kindhearted service to the less fortunate within the Northeast Ohio community.

Sister Joan is credited for her vigorous involvement in major projects that have touched the lives of so many people. Joan has been credited for converting a former Academy into affordable housing for the less fortunate, developing a portion of a campus for the elderly seeking a God-centered environment and creating Joseph's Home, a home for homeless men with medical problems.

For many years she has helped guide the Famicos Foundation, a community development corporation that provides housing for low-income families and seniors.

Madam Speaker and colleagues, please join me in recognizing Sister Joan Gallagher. May her years of service to the most vulnerable among us be an inspiration to us all in the world today.

HONORING THE MIAMI NORTHWESTERN SENIOR HIGH SCHOOL VARSITY FOOTBALL TEAM

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute and congratulate the Miami Northwestern Senior High School varsity football team on being crowned the 2007 National Champions voted by ESPN's High School Football Super 25 and winning the 2008 Florida Class 6A State title.

The Bulls have concluded the 2007–2008 season with a 15–0 season record and a second consecutive Florida Class 6A State title. The Bulls won back-to-back State championships for the first time in the School's 50-year history. They are only the fourth team from Miami-Dade County to achieve the feat since 1963.

Since opening in the fall of 1955, Miami Northwestern Senior High School students and faculty have had a sense of pride unlike any other school in South Florida. The School opened its doors as a learning institution, and nearly 1,050 Black students who attended the School during its opening year were bused daily from Black communities throughout Dade County. Indeed, during this time period segregated schools were still existent and subsisting; thus, Northwestern became the first new high school for Miami African-Americans in a generation.

Despite the trials and tribulations the School often fought long and hard to get past, the School won its first State title before integration in 1963. After court ordered desegregation of 1970, Northwestern continued to strive within its football program. In 1995 and 1998 the School won two more State titles.

Northwestern, which has the best record of any Dade team (68–13) since 2001, boasts at least seven major Division I recruits on its roster with several others who could go to mid-major programs. Five of those seven have committed to the University of Miami. Among those is senior quarterback Jacory Harris (6–4, 170). He led an offense that scored no fewer than 28 points during the team's winning streak. It is a known fact that the State of Florida produces one National Football League player for every three of its high schools. Northwestern has played a major part in this contribution with 20 notable graduates including: OT Vernon Carey (Miami Dolphins), DB Torrie Cox (Tampa Bay Buccaneers), WR Antonio Bryant (San Francisco 49ers), RB Vernand Morency (Green Bay Packers) and LB Nate Webster (Denver Broncos).

William "Billy" Rolle, teacher and head football coach, graduated from Coral Gables Senior High School and later Florida A&M University. He began his teaching career in 1985 at Miami Edison Senior High School where he also began coaching football. Rolle guided Northwestern to its 1998 State title, and also led Miami Killian Senior High School to a State title in 2004. Rolle is the only coach in Miami-Dade County history to lead two schools to State championships.

Coach Rolle returned to coach the Bulls in 2007 and achieved compiling two of the three State titles the School held. He has been recognized as the 2007 Coach of the Year by American Football Monthly. Rolle is committed to preparing his team for post-secondary educational opportunities, and the world of work. The 2006 State Championship team featured seven stars that could sign with the University of Miami in 2008, as well as infamous star running back Antwan Easterling (Southern Miss).

To this day, there are still just as many devoted fans as there were when the School opened in 1955. Not only has the School's academic arena earned noteworthy and positive outcomes throughout the past 53 years, but the School's football program has demonstrated and become the highlight in Miami-Dade County that has continuously produced the best crop of talent in the Nation.

TRIBUTE TO MICHAEL EVANS WILSON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Michael Evans Wilson, who was a longtime advocate for advancement of education and a veteran who honorably served our country. His passion for improving the lives of Arkansans will be missed, as well as his unwavering friendship. He delighted in asking penetrating questions, and his friendship was a treasure.

Mike was a compassionate and caring family man who loved his wife and children more than anything else in the world. He had a never-ending and burning desire to help people, and he made a lasting impression on each and every individual who knew him.

Mike was the son of the late Robert Edward Lee Wilson III and Patte Evans Wilson. He was the great-great-grandson of Robert Edward Lee Wilson, who founded Lee Wilson and Co. of Wilson in 1886.

He attended high school at the Baylor School in Chattanooga, TN, and graduated from The Citadel at Charleston, SC, in 1965. He served in the United States Army in Korea, and he achieved the rank of captain in air defense artillery prior to his honorable discharge in 1967.

Following his tour of duty in the Army. Mike returned to Wilson to work at Lee Wilson and Co. He served as chairman and chief executive officer of Lee Wilson and Co. from 1987 to the present.

Mike loved the State of Arkansas. Throughout his life, he became well known and highly

respected for his philanthropy, his willingness to devote countless hours to charitable endeavors and for his passion for the advancement of education, both on a statewide and national level. Because of his commitment to his community, he was elected mayor of the City of Wilson from 1986 to the present.

I ask my colleagues to join me in recognizing Michael Evans Wilson. He was an incredible person who made a difference in the lives of so many Arkansans. He will be remembered as a great friend and will be missed by all who knew him.

IN RECOGNITION OF JOHN T. KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of John T. Kilbane. John has transformed his Cleveland union into an educated workforce prepared for the challenges of a global economy.

Since 1974, when he emigrated to the United States, John has put in many years of dedicated work. Whether working the front lines of the Ford plant or managing important projects for a west coast-based company, in his years of hard work, John has held numerous important positions within the Local #310 union.

John was instrumental in introducing apprenticeship programs that teach laborers to do things they never did before. John established the first Construction Craft Laborers Apprenticeship Program in Ohio. He is also responsible for the construction of his Local 310's new Training Center, which welcomed its first class in 2005.

Madam Speaker and colleagues, please join me in recognizing John T. Kilbane, an innovative leader in Cleveland, for his commitment to his brothers and sisters. May future generations of laborers draw inspiration from his efforts.

AMENDMENT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO PROVIDE LAND RIGHTS FOR THE 13TH REGIONAL CORPORATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. YOUNG of Alaska. Madam Speaker, there have been many items of unfinished business which flowed from the Alaska Native Claims Settlement Act, ANCSA, which was originally enacted on December 18, 1971. A number of these issues have been resolved over the years. Few of those unfinished items, however, stand out in my mind as much as the need to provide land selection rights to the members of the 13th Regional Corporation, which was formed by ANSCA primarily to represent Alaska Natives residing outside of Alaska at that time. Today, with the 13th Regional Corporation Land Entitlement Act, I address that objective. I am pleased to be joined in this sponsorship by my friend and colleague from Washington State, Congressman NORM DICKS. For me, both of us, this completes a significant goal of the original Act. Let me give you the background of this issue and the story of the 13th Region.

In 1971, after years of debate, Congress enacted the Alaska Native Claims Settlement Act of 1971, 43 U.S.C. § 1601 et seq., "the Settlement Act", extinguishing claims by Native Alaskans based on aboriginal land rights. The Act divided the State into 12 geographical Regions which were to be composed as far as practicable of Natives having a common heritage and sharing common interests. In addition, non-resident Natives were given the option either to enroll in one of the 12 Regional Corporations established for each region or to elect, by majority vote, to form a separate 13th Regional Corporation to represent the interests of non-resident Alaskan Natives.

Provision for the 13th was focused upon serving the interests of non-resident Alaska Natives while affording them their fair share of the settlement. Some non-resident Natives had been dislocated during and after World War II, others left their homes to serve in the Armed Forces, many left to attend high schools and colleges in other States, and still others, for economic reasons, migrated south in the hope of attaining employment. Information about the Settlement Act and its implications for non-resident Natives was difficult to obtain, spotty and inconsistent in character, and generally insufficient to enable individual non-resident Natives to make reasoned decisions. In this situation, a majority of non-resident Alaska Natives felt that their interests could best be protected by forming the non-resident 13th to better control and direct their own affairs. Ultimately approximately 4,500 Alaska Natives chose to enroll in the new 13th. Wherever they resided then, or now, however, they were and are Alaska Natives, and we honor them.

In opting to join the 13th, however, these non-resident Natives were deprived of the ability to fully participate in the settlement of their claims as that settlement was generally provided by the Act. Let me be specific. Monetary payments under the Settlement Act were made through the Alaska Native Fund, and distributed among all 13 Regional Corporations on a per capita basis, but land was distributed only among the 12 resident Regional Corporations and the Village Corporations within those regions. No additional money, however, was provided to the 13th to compensate for the absence of land. The Settlement Act also provided that the 12 Regional Corporations would share among themselves some of the revenues from all natural resource development occurring on the lands conveyed to them. The 13th did not receive this right.

In sum, Alaska Natives enrolled in the 13th did not receive any land, and did not receive additional money in lieu of land, and did not get any right to participate in distributions from the pool of natural resource revenue funds in which the other Regional Corporations shared. The 13th, being comprised of non-resident Alaska Natives, was thus denied full participation in the settlement provided by the Settlement Act. While some will claim that this was their choice, it seems clear that it was an inadequately informed choice, and resulted in depriving over 4,500 members of the 13th of two of the three major benefits of this Act. This bill seeks to resolve at least the absence of an entitlement to land.

Over the years, the effect of this inequity in the Act has been to substantially disadvantage the shareholders of the 13th as they tried to build an economically successful corporation and to deny them the benefits of land ownership in Alaska. As an example, the 13th received its pro rata share of the monetary payments under the Act but was obligated to distribute 50 percent of those proceeds immediately to shareholders as they were received over a number of years. The remaining 50 percent provide the only capitalization for the small corporation with many scattered shareholders. Without a land base or resources to develop, the 13th did not have the economic base, nor the crucial development alternatives afforded other Regional Corporations. The corporation did not receive revenues from the development of resources, such as timber harvest which was accomplished in several regions, or a share of Sec. 7(i) revenues, including petroleum revenues, which were a source of income for the 12 Regional Corporations. The 13th has survived but with some difficulty, and it is time to provide a fairer share of the settlement to them for their future.

To correct the inequity caused by the Settlement Act's failure to equally compensate non-resident Natives for the extinguishment of their aboriginal land claims, the 13th Regional Corporation Land Entitlement Act will place the shareholders of the 13th on a better footing with shareholders of the other Alaska Native Regional Corporations, at least as far as land is concerned.

The proposal authorizes the 13th to select land from the excess lands previously withdrawn by the Secretary of the Department of the Interior on behalf of other Regional Corporations. The proposed legislation gives absolute priority to land selections by the State of Alaska and other Native Corporations, regional and village, and prohibits the selection of lands from within conservation system units, as defined in the Alaska National Interests Lands Conservation Act. The 13th may not select from the National Petroleum Reserve, the Tongass or Chugach National Forests and other sensitive areas. In other words, the 13th is at the very end of the line for its land selections. This is nonetheless far more equitable for the 13th than the present situation.

In proposing this legislation, the shareholders of the 13th are seeking equity by being placed on a stronger and more equal footing with respect to the Native shareholders of the other 12 Native Regional Corporations. This is supported by the Alaska Native community. This proposal has been endorsed by the Alaska Federation of Natives and by the Association of Regional Corporation Presidents, and it has been thoroughly considered by the Alaska delegation.

My first term in Congress was the one immediately following the enactment of ANSCA in late 1971. I can tell you that neither the Act nor its implementation focused much attention on the 13th. They were not fully represented, so members of the Washington State delegation like the late Congressman Lloyd Meeds and Senator Henry Jackson took their side but were not able to accomplish land rights for the 13th, or a monetary settlement in its stead. Congressman Meeds believed throughout his life that this was a matter that required resolution.

What the 13th will receive under the new bill is, with one major exception, the same per capita land right that all other regional corporations received, no more and no less. The number of acres is arrived at by taking the total number of acres conveyed to the other Regional Corporations pursuant to Section 12(c) of ANSCA, 15,769,600 acres, and after subtracting Sealaska's shareholders, Sealaska received a separate entitlement, and the shareholders of the 13th, which received no land, dividing this 15,769,600 acres by 60,026, the number of original Native shareholders enrolled to the other 11 Native Regional Corporations. On a per capita basis, the shareholders of the other 11 Regional Corporations received approximately 262.7 acres per original shareholder. This per capita number multiplied by the 4,426 original shareholders of the 13th results in the 1,162,710 acres.

The bill gives absolute priority to land selections of other Native Corporations and the State of Alaska. Additionally, the bill prohibits the 13th from making selections within conservation system units, the Tongass and Chugach National Forests, the National Petroleum Reserve–Alaska, and other potentially sensitive public lands.

All other interests, from the State to other Native corporations and the conservation community, were able to make their land selections or designate large areas for protection and special management. All of these groups won congressional approval, and were able to secure their preferences, when the land eligible for selection was prime and high on the list of priorities. The 13th comes behind all other priorities, including State and Native selections, national conservation lands, and others. The intent is that the land of the 13th will be selected in a cooperative process with other land owners and can be complementary to those selections, by other regions or villages, the State or other public purposes. I believe this is not only fair but good policy as Alaska moves forward. It is simply time to resolve this long-standing inequity, and to provide the 13th Native Region with the right to a limited land base just as all other Native regions. I urge my colleagues to join with me in achieving this goal this year.

HONORING THE 99TH ANNIVERSARY OF THE NAACP

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. SESTAK. Madam Speaker, for nearly a century, the National Association of the Advancement of Colored People, NAACP, has been fighting for the civil rights and dignity of people of color. As a result of their efforts, our great nation today can boast of a society more diverse, productive, prosperous and hopeful than any in history.

However, today's hope is a far cry from the violence, segregation and discrimination that inspired Mary White Ovington, William English Walling and Dr. Henry Moskowitz to meet in a little room of a New York apartment and commit the fledgling NAACP to the most important social movement in our national history. Today, the spirit of those brave and patriotic founders' lives on in leaders like Dr. Joan Duval-Flynn, President of the Media, Pennsylvania NAACP Chapter. I rise today to congratulate Dr. Duval-Flynn for her vision, intelligence and dedication. She leads a chapter of the NAACP borne of a violent act in the early 1920's and committed to making Delaware County, Pennsylvania a 21st century community where people of all colors and creeds live together as neighbors, friends and first class citizens.

In my first year representing the 7th District of Pennsylvania, the NAACP's magazine, The Crisis, featured an article titled ''Women Warriors, Female Combatants Sacrifice Lives for Country.'' That article gave me cause to consider all of the extraordinary women and men of color I had the privilege of serving with during more than thirty years in our Armed Forces.

For that privilege and honor, I owe—and our Nation owes—a personal debt of gratitude to Dr. Duval-Flynn, Mary White Ovington and countless other leaders and members of the NAACP. As W.E.B. Du Bois wrote in his first editorial page of The Crisis, in 1910, that voice of the NAACP ''will stand for the right of men, irrespective of color or race, for the highest ideals of American democracy, and for the reasonable but earnest and persistent attempt to gain these rights and realize these ideals.'' Dr. Duval-Flynn has continued that tradition. I am proud to know and work with this remarkable leader, Dr. Joan Duval-Flynn, and with the NAACP who gave us leaders such as Dr. Joan Duval-Flynn.

Founded on February 12, 1909, the NAACP is the nation's oldest and largest civil rights organization. It has worked successfully with allies of all races who believe in, and stand for, the principles of civil rights on which the organization was founded.

The NAACP's legacy includes historic events as well as distinguished leaders, such as W.E.B. Dubois and other civil rights luminaries such Rosa Parks, Medgar Evers, and Thurgood Marshall, who served as special counsel for the NAACP when he argued the historic U.S. Supreme Court case of Brown V. Board of Education, a landmark victory for equality that outlawed segregation in schools.

Our obligation to African Americans and all Americans is to honor the accomplishments of the past by acting in a substantive manner to improve lives for tomorrow. Thank you, NAACP, and thank you, Dr. Joan Duval-Flynn.

TRIBUTE TO CORPORAL THOMAS JAMES HERRERA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Cpl. Thomas Herrera, who enlisted in the United States Army on September 12, 2007. Cpl. Herrera's notable career spans 18 years, and his record of achievements during this period reflects greatly upon himself and upon the organizations with which he has served.

A native of Austin, Texas, Cpl. Herrera has followed a diverse career path of increasing responsibility culminating in his enlistment into the U.S. Army. Mr. Herrera is currently serving as Corporal at Fort Lee, Virginia. Previously, Cpl. Herrera served in the Army National Guard in the States of Massachusetts and Nevada from 2006–2007, when he began active Federal service. From 1987–1990, he served in the U.S. Air Force.

From 1990–1991, Cpl. Herrera worked for the U.S. Department of Commerce, Bureau of the Census as a Computer Operator. Following this, he took a position as Human Resource Assistant for the Governor of Texas from 1991–1996. Cpl. Herrera left government service in 1996 to begin a near ten-year journey in academia, earning commendable credentials that prepared him for his future military and government service.

In May 2001, Cpl. Herrera graduated from the University of Texas at Dallas with a BA in Government Politics. In May 2002, he graduated from the Southern Methodist University with a MLA in Liberal Arts/History. Finally, in December 2005, Cpl. Herrera concluded his academic journey with an MA in Criminology & Criminal Justice from the University of Texas at Arlington.

Cpl. Herrera has also taken it upon himself to become fluent in Spanish, French, Italian, German, and Russian. Additionally, he has a working knowledge of Mandarin Chinese, Korean, and Japanese.

Cpl. Herrera is married to the former Kasi Ann Roberts of Jacksonville, North Carolina. They were married on March 10, 2006 and have one daughter, Emma Belen Herrera, born on February 2, 2006. Mrs. Herrera's parents reside in Sherman, Texas. Although Cpl. Herrera's parents are deceased, he has close family that reside in Austin and Dallas, Texas.

Throughout his life, Cpl. Herrera has overcome poverty and hardship in an effort to meet incredible personal goals and objectives.

Madam Speaker, please join me in honoring Corporal Thomas James Herrera, for his commitment to academic and professional success. He is a remarkable public servant who has served our Nation and epitomized the dedication and professionalism that make our military a model all over the world.

IN CELEBRATION OF THE NASA GLENN RESEARCH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in celebration of the NASA Glenn Research Center. The NASA Glenn Research Center will be receiving its one-hundredth R&D 100 Award from R&D Magazine. R&D 100 award winners are chosen by the editors of the magazine as well as an external panel of experts in recognition of their contributions in developing the top 100 most technologically significant products of the year.

NASA Glenn Research Center's one-hundredth R&D 100 Award signifies the excellence of the Glenn Center's staff and the Center's significant contributions to NASA's mission. The Glenn Research Center and its staff have been included in these awards for over 41 years. Consisting of almost three-thousand civil service employees, The Glenn team has consistently strived for technical excellence in order to expand the boundaries of space, science and aeronautics technology.

Madam Speaker and colleagues, please join me in honoring the NASA Glenn Research Center's team on their significant contributions to the field of aeronautics and to continuing to work for maintaining NASA's global leadership in aeronautics.

IN HONOR OF ANDERSON HOMES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Steve Anderson and the dedicated employees of Anderson Homes, an independent homebuilder based in Middletown, Delaware. This week Anderson Homes will do what many consider impossible. Together, with ABC's Extreme Makeover: Home Edition design team and hundreds of local sub-contractors and volunteers, they will build two new high quality homes for two Wilmington families in less than a week's time. Mr. Ty Pennington, the host of the show, informed the Latif family and their neighbor Rose Chatman of the wonderful news Tuesday morning in traditional fashion: yelling ''Good Morning'' via bullhorn.

Anderson Homes has agreed to tackle this unbelievable challenge of building two houses, while waiving all fees and donating all the materials. Anderson Homes was founded in Middletown, Delaware, in 2000 and has 45 full-time employees. In just 7 years, the company has built more than 1,000 quality homes. The company was named the ''Fastest Growing Homebuilder in the Nation, 2003'' by Builder Magazine and was the recipient of 11 Regal Awards by the Homebuilders Association of Delaware in 2006.

ABC–TV Extreme Makeover: Home Edition is on a quest to build a house in all 50 States. Each family will return from an all expenses paid trip to Disney World to find a brand new' home, custom built to meet their special needs. The Extreme Makeover team selected the Latif and Chatman families of Delaware for their most recent home-building project because of their unique and inspiring circumstances.

Ju-Juanna Latif's life story is one of inspiration, a reminder to all of us of what can be accomplished if one perseveres. Ms. Latif became a single mother at the age of 16 and dropped out of high school. In spite of the obstacles, Ms. Latif earned a GED and set her sights on going to college. Unfortunately, life once again challenged Ms. Latif and she found herself living in a homeless shelter with her baby. While living at the shelter, Ms. Latif worked proactively to achieve her goals by taking parenting classes, undergoing job training, and enrolling in college once again.

Upon completion of a work study program, Ms. Latif was able to move out of the shelter into low-income housing. Ms. Latif bought her grandmother's home and, in doing so, also met a wonderful neighbor, Rose Chatman.

Ms. Latif is a proud mother of four children, ages: 19, 13, 12, and 9. James, Ms. Latif's youngest child, has been diagnosed with cerebral palsy and is wheelchair-bound. Ms. Chatman, better known as ''Grandma Rose'' takes care of James during the day while Ms. Latif goes to work as a welfare fraud analyst. ''Grandma Rose'' not only cares for young James, but is also an active member of her church by making the flower arrangements and providing transportation to church members.

With the help of Anderson Homes and ABC–TV Extreme Makeover: Home Edition, the new home will accommodate the special needs of Ms. Latif's son, James, and will make life easier for the entire family, including ''Grandma Rose.''

Thank you to Steve Anderson, the employees of Anderson Homes, ABC, and all the volunteers who made the dream of a brand new home a reality for these deserving families.

HONORING CECIL SCAIFE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the accomplishments of Cecil Scaife and other key individuals who helped transform Nashville, Tennessee, into Music City, USA. Tonight at the historic Ryman Auditorium, Belmont University will present Nashville Celebrates Elvis! to highlight Elvis Presley's important contributions to the recording industry in Nashville. The event will also honor the contributions of Cecil Scaife and benefit the Cecil Scaife Music Business Scholarship Fund. The work done by Cecil, Bob Mulloy, and other industry leaders to found and nurture what would become the Mike Curb College of Entertainment and Music Business at Belmont University built upon the success of Elvis and other early pioneers to cement the place of Nashville in the entertainment landscape of our country.

Beginning in radio in the 1950s and then moving into the recording business, Cecil Scaife eventually became the first promotions manager for the legendary producer Sam Phillips at Sun Records in Memphis. Cecil would play a key role in the early careers of not just Elvis, but also Charlie Rich, Jerry Lee Lewis, Carl Perkins and Johnny Cash. He also worked in the first three-track recording studio in Nashville and the RCA Victor Studio B where Elvis recorded some of his greatest hits.

Not content with enjoying his personal success, Cecil Scaife joined with others in 1971 to lay the groundwork for the music business program at Belmont University. He taught there, established a scholarship to honor his wife, Sherytha, and made sure all of his children were educated there. His work helped ensure that the program would become a model for other music schools around the country. This program ensured that Nashville would never run short on talented. well-prepared, home-grown music business professionals ready to lead Nashville's music industry into the future.

Madam Speaker, I ask my colleagues to join me in congratulating Cecil Scaife, Belmont University, and all those who have worked so hard to make sure Nashville, Tennessee, will always be one of the musical and cultural treasures of our country.

IN RECOGNITION OF JAMES F. RODES, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today to honor CDR James F. Rodes, Jr., for his exceptional service in the Cleveland police force and the United States Navy Reserve.

James attended Cuyahoga Community College while serving as a patrol officer and detective in the fourth district, graduating in 1986 with a degree in law enforcement and criminal justice. He worked his way through the ranks, starting as a patrol officer and team leader of the Dive Search and Recovery Team, and continuing his career as a detective in the Fugitive Unit, Accident Investigation Unit, Bureau of Special Investigations, and Homicide Unit. He retired on November 1, 2007, after 26 years of service.

James's distinguished career is also defined by his success in the Navy Reserve. He entered active duty on October 12, 1971, and was initiated Gunner's Mate Chief Petty Officer in 1985. He was a salvage diving officer in Cleveland, a company commander in Bosnia and Herzegovina, a commander in Japan and Akron, Ohio, and also served in Iraq from September 2006 to February 2007.

Commander Rodes spent his childhood in the Cleveland area and now resides in Brooklyn, Ohio, with his wife Diane. He is the proud father of two daughters, Lieutenant Stacy R. Meyers and Melissa A. Hazek.

Madam Speaker and colleagues, please join me in honoring Commander James F. Rodes, Jr., a man whose exemplary service in both the United States Navy and the Cleveland Police Department will serve as an inspiration for generations to come.

HONORING STATE SENATOR ADELINE GEO-KARIS

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Ms. BEAN. Madam Speaker, upon the occasion of her passing, I rise today to celebrate the life and achievements of Illinois State Senator Adeline Geo-Karis, a true political pioneer who dedicated her life to serving the people of Illinois.

She was a woman in leadership when there weren't any others. She broke through all the barriers, as the only woman in her graduating class at DePaul University Law School, as a lieutenant commander in the U.S. Naval Reserve, as the State's first female assistant State's attorney, and the first woman elected to the Illinois General Assembly from Lake County.

Through more than three decades of service in the Illinois General Assembly, Senator Geo-Karis spearheaded successful efforts to cut crime and promote alternative energy use. She was a tireless advocate for senior citizens and a longtime champion of the disabled. She brought constituent service to new heights and set the bar for other elected officials in the State of Illinois.

She served with distinction as the mayor of Zion and as an immigrant from Greece, she was an inspiring example of the American Dream.

Madam Speaker, Senator Geo-Karis has served her district, State, and country with exemplary dedication and commitment. Her 34 years of outstanding public service ensure that her legacy will be remembered.

HONORING WARWICK TOWNSHIP ON ITS 275TH ANNIVERSARY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the 275th anniversary of Warwick Township, Pennsylvania. Warwick has a long and notable history, serving as the location for several crucial events in the birth of our Nation.

Warwick Township was formed by petition on February 13, 1733. Located in central Bucks County, the township served as an important fixture in colonial life in the 18th century. York Road, one of the major roads running throughout the township, served as the major connection between New York and Philadelphia. During the American Revolution, York Road was used as a passage for the American Army during northern campaigns.

Warwick Township was also home to General Washington's headquarters. The township welcomed Marquis de Lafayette and Count Pulaski to join the American Army, where they later became critical to the American victory over the British. The nearby Neshaminy Church was transformed into both a hospital and a location for court-martials throughout the American Revolution.

Today, Warwick Township continues its historic tradition of hospitality and community. The township offers its residents and visitors a variety of public parks, sports fields, pavilions, playgrounds and ponds. Community Park proves the township's residents with a children's summer day camp program, as well as public Sunday evening concerts throughout July and August. Warwick Township also features a public golf course, the Neshaminy Valley Golf Club.

Warwick Township serves both as an outstanding reminder of our Nation's history, as well as an exceptional example of a modern American town. Madam Speaker, I am proud to represent Warwick Township and grateful for the opportunity to recognize their momentous 275th anniversary.

IN CELEBRATION OF SHEILA MURPHY CRAWFORD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in celebration of Sheila Murphy Crawford. Thirty years ago, Sheila Murphy Crawford founded the Murphy Irish Arts center, which she established as a non-profit to support Irish cultural activities. She began in 1978 with 35 students. Under her guidance as director of the center, she currently has more than 250 students, ranging in age from 5 to 30.

In 2006, Crawford's spectacular choreography took third place at the 2006 World Championships of Irish Dancing in Belfast. Her dancers have earned very high rankings in many other national and international competitions. Among many of her other honors, she earned the highly desirable position of adjudicator of the world governing organization for Irish Dance, An coimistun le Rinici Gaeltica.

As a teenager, Crawford maintained the Irish Cultural Garden in Rockefeller Park. She later went on to become the director of the organization that oversees the verdant spot in 1995. For the past 8 years, she has also served as vice president of the Cultural Garden Federation of Cleveland. Currently, Crawford is heading a project to refurbish the Irish Garden.

Crawford's outstanding commitment to sharing Ireland's rich cultural traditions and values goes far beyond Irish dancing. She has been a five time president of a religious and cultural organization that raises funds for charity, the Ladies Ancient Order of Hibernians. In 1993, she was named Hibernian of the Year.

Madam Speaker and colleagues, please join me in recognizing Sheila Murphy Crawford's significant contributions to preserving and sharing Irish culture with the community.

RECOGNIZING MRS. IMOGENE COTTER

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. REHBERG. Madam Speaker, I rise today to honor the oldest registered Republican residing in Phillips County, Montana, Mrs. Imogene Cotter. On February 10, Mrs. Cotter celebrated her 100th birthday. Arriving in Montana on an immigrant train from Missouri when she was a young child, Imogene homesteaded with her family and her husband William until the ranch sold in 1970. Whether it was serving as an election clerk for Phillips County for over 30 years, working as a State officer for several different years in the Cattle Women's organization ''Cow Belles'', or being heavily involved in her husband's career as a county commissioner and school board president, Imogene's contributions to the Republican Party, Phillips County, and the State of Montana are endless.

Reaching this significant milestone is something that should not go unnoticed or unappreciated. Please accept my wishes for a very happy birthday—and my sincere congratulations for the good life you are living.

It is the compassion, dedication, courage, and commitment of people such as you that is truly the Spirit of America. Your experiences of the past 100 years qualify you to educate and pass your wisdom on to those of younger generations. I hope you will tell your stories—and I hope they will listen.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Ms. BALDWIN. Madam Speaker, I regret that due to inclement winter weather, I missed recorded votes on February 6, 2008, and February 7, 2008.

Had I been present on those days, I would have voted in support of H. Res. 867, H. Res. 942, H. Res. 943, H. Res. 956, H. Con. Res. 283, and H.R. 4848.

IN CELEBRATION OF REGINA BRETT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in celebration of Regina Brett. Regina Brett reaches over half a million readers a week as a thrice-weekly metro columnist for the Cleveland Plain Dealer, which she joined in 2000 after 7 years as a reporter and columnist for the Akron Beacon Journal. Brett also hosts a weekly radio program on Cleveland's National Public Radio Station, WCPN, 90.3 FM. With the capacity to reach out to so many people through her column and radio show, she has been able to highlight issues and generate debate concerning topics that are of great importance to the Greater Cleveland community.

Regina Brett earned her B.A. from Kent State University and her M.A. from John Carroll University. She later went on to serve as president of the National Society of Newspaper Columnists. Among many of her honors and awards, in 1999, she was the recipient of the yearly awarded Batten Medal; established in memory of the late CEO and chairman of the Knight Ridder newspaper chain, which recognizes one journalist nationwide whose writing displays ''compassion, fairness, courage, and a deep concern for the underdog.''

Through her body of work, she has continued, fearlessly and relentlessly, to illuminate the challenges, victories, people and communities that make up and affect the Greater Cleveland area.

Madam Speaker and colleagues, please join me in recognizing Regina Brett's outstanding contributions to journalism and to the Greater Cleveland Community.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. ELLISON. Madam Speaker, on January 22, 2008, I failed to vote on rollcall Nos. 19 and 20 because my flight was unexpectedly delayed. Had I voted, I would have voted ''aye'' on rollcall No. 19 and ''aye'' on rollcall No. 20.

Madam Speaker, on December 13, 2007, I inadvertently failed to vote on rollcall No. 1156. Had I voted, I would have voted ''aye.''

Madam Speaker, on December 5, 2007, I inadvertently failed to vote on rollcall No. 1130. Had I voted, I would have voted ''aye.''

Madam Speaker, on November 14, 2007, I inadvertently failed to vote on rollcall No. 1103. Had I voted, I would have voted ''aye.''

Madam Speaker, on October 31, 2007, I inadvertently failed to vote on rollcall No. 1023. Had I voted, I would have voted ''aye.''

Madam Speaker, on October 22, 2007, I inadvertently failed to vote on rollcall Nos. 983–985. Had I voted, I would have voted ''aye'' on rollcall No. 983; ''aye'' on rollcall No. 984; and ''aye'' on rollcall No. 985.

Madam Speaker, on June 13, 2007, I inadvertently failed to vote on rollcall No. 465. Had I voted, I would have voted ''aye.''

Madam Speaker, on March 9, 2007, I inadvertently failed to vote on rollcall No. 133. Had I voted, I would have voted ''no.''

Madam Speaker, on February 12, 2007, I inadvertently failed to vote on rollcall Nos. 93–94. Had I voted, I would have voted ''aye'' on rollcall No. 93; and ''aye'' on rollcall No. 94.

PERSONAL EXPLANATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. PORTER. Madam Speaker, I was absent from the House on Thursday, February 7, 2008, attending a funeral in Las Vegas. Had I been present, I would have voted in the following way:

On rollcall vote #42, H.R. 5140, the Economic Stimulus bill. ''yea.''

On rollcall vote #41. H. Res. 947, Congratulating Lee Myung-Bak on his election, ''yea.''

On rollcall vote #40, H.R. 4137 the College Opportunity and Affordability Act, ''yea.''

On rollcall vote #39, H.R. 4137 On Motion to Recommit, ''yea.''

On rollcall vote #38, H.R. 4137 On Mr. Davis of Illinois Amendment, ''nay.''

On rollcall vote #37, H.R. 4137 On Mr. Petri of Wisconsin Amendment #5, ''yea.''

On rollcall vote #36, H.R. 4137 On Mr. Petri of Wisconsin Amendment #4, ''yea.''

On rollcall vote #35, H.R. 4848 On Motion to Suspend the Rules and Pass, as Amended P To extend for one year parity in the application of certain limits to mental health benefits, and for other purposes, ''yea.''

On rollcall vote #34, H. Con. Res. 283 On Motion to Suspend the Rules and Agree, as Amended P Calling for a peaceful resolution to the current electoral crisis in Kenya, ''yea.''

On rollcall vote #33, H. Res. 956 On Agreeing to the Resolution P Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, ''nay.''

On rollcall vote #32. H. Res. 956 On Ordering the Previous Question P Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, ''nay.''

H.R. 5264 EXTENDS SUCCESSFUL PREFERENCE PROGRAMS WITH ANDEAN, CARIBBEAN, AND GSP NATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. RANGEL. Madam Speaker, I would like to offer a few words on H.R. 5264, a bill that I introduced to provide a long-term extension of three trade preference programs scheduled to expire this year. This bill would extend until September 30, 2010 the Andean trade preferences (ATPA) that are due to expire on February 29, preferences for the Caribbean Basin (CBI) countries—which expire on September 30—and the Generalized System of Preferences (GSP), which expires on December 31. H.R. 5264 also addresses a number of problems with the textile provisions of the African Growth and Opportunity Act (AGOA) and the competitive need limitation (CNL) waiver provisions of GSP.

These preference programs have been a centerpiece of U.S. efforts to spread the benefits of globalization to the world's poor and developing countries. They have created tens of thousands of jobs—jobs that are likely to be lost to countries like China if the programs are not renewed—and have created critical economic opportunities for workers and businesses in the United States. These programs have also fostered key U.S. foreign policy goals, including U.S. counternarcotic efforts, and empowered the agents of democracy and reform abroad.

Extension beyond 2010 would have been ideal to provide the necessary predictability and stability for the Andean, Caribbean, and GSP programs. However, I have included the shorter extension in this bill to accommodate the range of opinions on the issue of renewal. In the coming days, I will work with my colleagues to harness the strong bipartisan support that I believe exists to extend and improve these critical trade preference programs.

Finally, a 2-year renewal of these programs at this time should send a clear signal to negotiators in the World Trade Organization Doha Round negotiations that the U.S. commitment to trade and development remains unwavering and substantial. This element of the Round is fundamental, even as the United States presses for key goals in agriculture, far reaching commitments on tariff and non-tariff barriers with respect to manufactured goods, services and strong outcomes in other areas, including the so-called Rules negotiations.

IN HONOR OF DAN COLEGROVE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today to honor Cleveland police Sergeant Dan Colegrove for more than 28 years of exemplary service in the Cleveland Police Department.

Dan served in a number of capacities during his time with the police. He began his career on October 29, 1979, in the fourth district, and then spent time on the Strike Force and the Detective Bureau from 1984 to 1989. He was then assigned to the Cleveland Police Mounted Unit until 1999, when he moved to the Fugitive Unit. In June 2000, he was promoted to sergeant and served his remaining time with a stint in the fifth district and the Detective Bureau until his retirement on December 7, 2007.

Madam Speaker and colleagues, please join me in honoring Dan Colegrove for his dedication to his community of West Cleveland.

COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

SPEECH OF

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes:

Mr. EHLERS. Mr. Chairman, I rise in support of the College Opportunity and Affordability Act (H.R. 4137), a bill to reauthorize the Higher Education Act's programs.

I thank Chairman MILLER, Representative MCKEON and their staff for their hard work on this reauthorization bill. I am very pleased that the Education and Labor Committee voted unanimously to favorably refer this bill to the full House for consideration. It is a testament to the fact that bipartisan work, though difficult, pays off with a better final product. This bill makes substantive changes that help future college students and our Nation's economy.

Several provisions that I authored were included in the College Opportunity and Affordability Act. For example, the bill includes provisions of the Higher Education Sustainability Act, a bill that I introduced with Rep. BLUMENAUER to establish a competitive grant program to encourage colleges and universities to develop, implement and evaluate their sustainability practices and academic programs. I appreciate the efforts of Representatives INSLEE and BLUMENAUER to improve upon the bill's provisions by requiring that the Secretary of Education consult with the Administrator of the Environmental Protection Agency when awarding sustainability grants. This provision was included in the Manager's Amendment.

In addition, the bill includes the Robert C. Byrd American Competitiveness program, which has provisions that Representatives WOLF, HOLT and I developed in the 109th Congress. For example, it awards scholarships to students who are enrolled in studies in physical, life, or computer sciences, mathematics, or engineering. Also, through the Math and Science Incentive program, the Secretary may waive the interest on Federal student loans for students pursuing STEM teaching or professional careers. In conference, I certainly hope Senator BYRD is amenable to making these important updates to the Byrd Scholarship program.

Finally, the bill includes my Independent Study of Distance Education Act, which requires the National Academy of Sciences to conduct a study of distance education, as compared to traditional, campus-based education.

I have a few concerns about the bill. First, I am concerned that the bill will require colleges and universities to comply with additional federal "red tape." I understand that Representative MCKEON plans to offer an amendment to study the regulatory burden on colleges and universities and ways to reduce it.

Also, I have concerns about the college cost provisions. While the provisions have certainly improved over the past several years, I question whether the federal government should intervene in the way colleges and universities set their tuition, particularly at relatively low-cost community colleges. For example, it is my understanding that Grand Rapids Community College, located in my congressional district, may be subjected to the bill's requirements of the Quality Efficiency Task Force. Unfortunately, the bill fails to take into account state and local factors, such as last year's failed millage attempts, which, in turn, necessitated the tuition increases at this community college. It is situations like this that should be considered when reviewing attempts to control rising college costs.

Finally, I have concerns with the bill's maintenance of effort requirements for state funding. I appreciate Representative KILDEE and WALBERG's efforts to include a waiver for States facing difficult economic times, such as Michigan.

On balance, the College Opportunity and Affordability Act is a good bill, and I urge Members to support it.

PROTECT AMERICA ACT OF 2007 EXTENSION

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. POMEROY. Madam Speaker, I rise today to say that I will be voting for H.R. 5104. However, I believe that passing a long-term extension of the Protect America Act is not the answer. Instead, we must update the Foreign Intelligence Surveillance Act in a way that will enhance our national security while at the same time protecting the privacy of United States citizens. As such, it is my hope that this extension will give us time to responsibly modernize the FISA law, and I look forward to working with my colleagues in ensuring that these dual aims are accomplished.

IN REMEMBRANCE OF ANTONIO DIMORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Antonio Dimora, a beloved father and doting grandfather, and to honor his commitment to his Northeast Ohio community.

Antonio was born in Sicily in 1932 and immigrated to the United States in 1950, settling in a succession of Cleveland area communities. He was an avid outdoorsman, worked for Republic Steel and Buckeye Forge, and served as the Union Steward in the United Steelworkers of America. Later in life, Antonio devoted his time to volunteer work with the American Association of Retired Persons and Church of the Holy Angels in Bainbridge, Ohio.

Antonio's greatest joy in life was spending time with his wife, Mary Elizabeth; his four children, James, Ann Marie Miker, Theresa Agostino, and Diane Pieronek; and his nine grandchildren. He never forgot Italy, and enjoyed every opportunity to celebrate his Italian heritage.

Madam Speaker and colleagues, please join me in remembering Antonio Dimora, whose tireless work for the labor cause and deep affection for his family and community will be remembered by all who knew him. My thoughts and prayers go out to the Dimora family during this difficult time.

CONGRATULATING PARADISE VALLEY POLICE CHIEF JOHN WINTERSTEEN

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. MITCHELL. Madam Speaker, I rise today to acknowledge Paradise Valley Police Chief John Wintersteen for the many years he has given to his community and to our country. Chief Wintersteen is retiring after thirteen years at the helm of his department, a span that has encompassed tremendous growth and innovation in the town's public safety programs. His tenure in Paradise Valley has earned him the respect and love of that community.

Chief Wintersteen's distinguished service began long before he joined the Paradise Valley Police Department. He served honorably for nearly 29 years in the United States Marine Corps, overseeing police and security operations at Marine Corps headquarters in Washington, DC, and at the military prison at Fort Leavenworth, KS.

During his tenure with the department, Chief Wintersteen was instrumental in overseeing the town's fire and emergency medical service transition from the private Rural/Metro Fire Department to Phoenix Fire Department. He was also involved in the expansion of the Police Department's photo-enforcement program—which was the first in the Nation—and the introduction of public-awareness programs.

Chief Wintersteen is just as dedicated to the community in his private life as he was while wearing a badge. He volunteers with the Boy Scouts of America, Girl Scouts of America, Sierra Club, American Red Cross and Special Olympics, among others.

I would like to wish Chief Wintersteen all the best as he embarks on a new chapter in his life. I am confident that Paradise Valley will continue to benefit from his knowledge, leadership and dedication to the community he calls home. I say congratulations on a job well done.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with another Sunset Memorial.

It is February 12, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11, only it happens every day.

It has now been exactly 12,804 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have been given them.

But perhaps tonight, Madam Speaker, maybe someone new who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,804

days spent killing nearly 50 million unborn children in America is enough; and that this nation is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 12, 2008—12,804 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

INTRODUCTION OF LEGISLATION AUTHORIZING THE SECRETARY OF COMMERCE TO SELL OR EXCHANGE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY LOCATED IN NORFOLK, VA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce legislation that would authorize the Secretary of Commerce to sell or exchange National Oceanic and Atmospheric Administration property to/with the city of Norfolk, Virginia.

Over the last decade, the city of Norfolk has experienced tremendous economic growth. Downtown Norfolk has reemerged as the urban center of the Hampton Roads region through revitalization and new commercial and residential development. For several decades, NOAA has been an important Federal partner in downtown Norfolk's development. NOAA's Atlantic Marine Operations Center and NOAA's Chesapeake Bay office are both located in downtown Norfolk.

The bill that I am introducing today, along with my colleague Congresswoman THELMA DRAKE, would authorize the Secretary of Commerce to sell or exchange a small piece of underutilized NOAA property located at 538 Front Street in Norfolk, consisting of 3.78 acres, to the city of Norfolk. This land sale would allow Norfolk to continue its tremendous economic growth by developing the land for commercial and residential purposes. At the same time, the bill clearly states that NOAA may only sell or exchange the property if the Secretary of Commerce determines that the conveyance would be in the best interest of the Federal government. The bill does not delineate or support any particular agreement or contract; the details of any future agreement between NOAA and the city of Norfolk would have to be worked out. This legislation would simply permit that process to get started. In addition, any sale or exchange would have to have little to no impact on Federal revenue or the deficit. The bill requires that the property be sold at a value that is not less than the fair market value as determined by the Federal government. Furthermore, it authorizes NOAA to retain any proceeds from the sale or exchange.

Madam Speaker, I hope that this bill will be considered by the full House of Representatives soon. I believe this bipartisan, non-controversial legislation protects both the interests of the Federal government and the citizens of Norfolk. I urge my colleagues to support this measure when it comes before the full House.

TRIBUTE TO VADA SHEID

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to an outstanding citizen and dear friend. I am proud to recognize one of Arkansas greatest public servants Vada Sheid. Her recent death was a great loss for our community and our Nation.

Vada Sheid was the first woman to be elected to both the Arkansas House of Representatives and the Arkansas State Senate. Her career in public service, which also included positions in numerous county offices, boards, commissions and committees, spanned across five decades. Mrs. Sheid was instrumental in securing significant road improvements for north central Arkansas as well as the creation of Arkansas State University-Mountain Home.

Vada Webb was born on August 19, 1916, in Izard County. She grew up in Calico Rock and entered public service working at the Izard County welfare office when she was 19. Shortly after she married Carl Sheid in 1941 the couple moved to El Dorado and eventually settled in Mountain Home.

In 1958, Mrs. Sheid ran for Baxter County treasurer and lost. In 1960, she ran again, won, and served as treasurer through 1965. In 1966, she was elected to the State house of representatives and served four terms. She was only one of four women who served during the 1967–1968 term. In 1976, Mrs. Sheid was elected to the State senate and became the only woman to serve in both houses in Arkansas.

In 1987, Governor Bill Clinton appointed her to the State Police Commission. In 1992, after a resignation of the local State representative, Mrs. Sheid ran for office again and won, serving in the house again until 1995.

Her work to improve education and ASU Mountain Home earned her an honorary doctor of law degree from the college in 1998. Her dedication to serving the community is remembered by the Mountain Home Area Chamber of Commerce's Vada Sheid Lifetime Achievement Award, which is given to an individual who has made a significant contribution to the community.

On behalf of Congress, I extend my deepest sympathies to Mrs. Sheid's family and gratitude for the countless hours she spent serving others. She leaves a legacy of accomplishment in Arkansas as well as inspiring memories for all who knew her.

IN HONOR OF THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. FARR. Madam Speaker, I rise today to honor the Uni-Capitol Washington Internship Program. This program is a wonderful educational experience for both the intern who works in a congressional office, and for the office who receives an intern from the program. The program annually delivers some of Australia's best and brightest university students who have a passion for and commitment to civic engagement and public service to congressional offices for 2-month internships.

The Uni-Capitol Washington Internship Program began in 2000 and since its inception, I have been a proud participant. This year I welcomed a wonderful student-ambassador to my office, Stephanie Lyons, who has shared with us her experiences as a newcomer to Washington from the perspective of an Australian. Stephanie, who visits us from the University of Canberra, is a great example of the high quality students who are involved in this program. With a bachelor's degree in communication, specializing in public relations and political communication, Stephanie will this year commence her honors degree, drawing upon her experiences here in Washington as a research stimulus. Throughout her time in this office, she has had the chance to pursue her interests in the media and a range of issues, from foreign affairs, human rights, and diplomacy to science and the environment.

Over the past month, she has been an invaluable asset to this office. She has attended committee briefings, drafted constituent correspondence, and assisted my staff with research. Her Australian accent has garnered the attention of many of my constituents on tours and over the phone. She is often asked to share her experiences in Washington, DC.

Stephanie is one of several outstanding Australian interns. This year, a record 13 students from across Australia were matched with congressional offices. They were drawn from seven Australian universities in four different states and the Australian Capital Territory. The Uni-Capitol program gives its students practical experience and allows them to gain knowledge and understanding of the internal workings of the United States Government.

Including this current group, 81 Australian students will have interned in Washington since the program's inception 9 years ago. For creating the Uni-Washington program, credit must be given to its founder, Eric Federing. Eric is a former senior House and Senate congressional staffer who has worked to foster the exchange of ideas and knowledge between the U.S. and Australia through his efforts with the Uni-Capitol Washington Internship Program.

Madam Speaker, I strongly encourage my colleagues to seek international connections by participating in this rewarding program. It is truly heartening to see how much this program has grown over the years, and I look forward to its continued success. I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Internship Program and,

again, thank Stephanie Lyons for her participation and hard work.

HONORING PRESIDENT JOLENE KOESTER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. SHERMAN. Madam Speaker, I rise today to pay tribute to an extraordinary public servant dedicated to promoting the intellectual, economic and cultural contributions of the San Fernando Valley, California State University, Northridge President Jolene Koester. This year, the Encino-Tarzana Hospital Charitable Foundation is honoring Dr. Koester with the Tree of Life Award for her educational and civic contributions.

As a visionary leader in the San Fernando Valley, Dr. Koester has transformed California State University, Northridge into one of the State's premier higher education institutions. CSUN is a vibrant, diverse and accessible university community of nearly 34,000 students and more than 4,000 faculty and staff. This year, CSUN will celebrate its 50th anniversary as the only public university located in Los Angeles' San Fernando Valley—home to about 1.8 million residents.

Dr. Koester began her appointment as the fourth president of California State University, Northridge on July 1, 2000. Prior to her appointment, Dr. Koester served as provost and vice president for Academic Affairs at California State University, Sacramento. She earned a Bachelor of Arts from the University of Minnesota, a Master of Arts in communication arts from the University of Wisconsin-Madison, and a Ph.D. in speech communication from Minnesota.

An active member of the community, Dr. Koester has served on the boards of directors for the Los Angeles Area Chamber of Commerce, the Economic Alliance of the San Fernando Valley, the Valley Industry & Commerce Association, the Southern California Biomedical Council, and the Los Angeles Economy & Jobs Committee. Dr. Koester is a recognized leader in higher education in the State of California, and has received numerous civic and business awards for her commitment to furthering the excellence of California State University, Northridge.

Dr. Koester was recently appointed as Chair-Elect of the American Association of State Colleges and Universities. As Chair-Elect of one of the country's most prestigious higher education advocacy organizations, she will have the unique opportunity to represent over three million students at 430 public colleges and universities. Moreover, she will advocate on behalf of the association in support of public policies extending higher education to underrepresented and first-generation college students throughout the country.

Madam Speaker, I wish to extend my heartfelt congratulations to Dr. Jolene Koester for receiving the Tree of Life Award from the Encino-Tarzana Hospital Charitable Foundation. Dr. Koester has exhibited strong leadership skills and a commitment to education that will benefit California State University, Northridge, the San Fernando Valley and the Los Angeles region for years to come.

HONORING SHANNON HARPS—ENVIRONMENTAL AND COMMUNITY ORGANIZER

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. INSLEE. Madam Speaker, my colleague NORM DICKS and I would like to pay tribute in remembrance of Shannon Harps, one of Washington's finest young environmental advocates. She was killed on December 31, 2007 by an unknown assailant as she was returning to her Capitol Hill apartment in Seattle from the grocery store. Shannon's death is a tremendous loss to our community and the many issues to which she devoted her life. We join with Shannon's family, friends, and colleagues in the Sierra Club in mourning the loss of this wonderful person and fine community organizer. Though her life was cut short, she was able to make a large impact on the quality of the Northwest environment.

Shannon came from her home State of Ohio to Seattle, Washington in February 2004 to join the staff of the Northwest Office of the Sierra Club. This move joined two of Shannon's strongest desires—to work to protect our environment and to live in the Northwest where she could more vigorously pursue her strong love for the outdoors.

Shannon had a wonderful sense of humor and a style of working with people that immediately put them at ease and made it easy for them to join her in protecting our environment and quality of life. Shannon particularly enjoyed working with high school and college students to help them develop their interests and talents in working to create a better world. While Shannon's work was directly focused on protecting our environment, from wilderness to global warming, her values were deeply embedded in a strong sense of fairness and justice for all people.

In the four years that Shannon lived in Washington State she helped to protect some of our finest lands. Shannon worked with several groups in a local coalition effort with Congressman NORM DICKS to add key lands in the Carbon River drainage to Mt. Rainier National Park. She worked with Sierra Club volunteers and staff from the many groups to help move the Wild Sky Wilderness proposal through the various steps of its arduous journey through the congressional process. She was a leader in the State of Washington, and worked with colleagues around the country, to help thwart the various ill-considered efforts to open up America's Arctic Coastal Plain to oil and gas drilling. She was a lead organizer in the successful effort in 2006 to pass the Renewable Energy Portfolio Standard for Washington State assuring that Washington will be a leader in developing a clean energy future and creating good jobs. And, in the recent two years, much of her work focused on building relationships with local officials and creating public support so they too would endorse the Mayor's Climate Protection Agreement making sure we are stepping up to the challenge of global warming.

In her all-too-short life, she made contributions that benefited our community, State, and world. She lived her life as an example of living lightly on the planet, and engaged the people and world around her with grace, humor, kindness, and respect. Everyone who worked with her admired her style, tenacity, and sense of purpose, along with her sparkling smile and laugh.

Shannon loved living and working in the Northwest. She reveled in the outdoors and nothing made her happier than to participate in a competitive run or to hike the Northwest's high mountain trails. Her death is a loss for us all but her spirit still resides with all of those with whom she worked and walked the trails. We will remember her as we continue the struggle to protect our lands and environment and to create a more just and fair world for us all.

TRIBUTE TO CHIEF JOHN SMOOT

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA—

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the life of Chief John Smoot who dedicated his life to serving and saving others. He died on January 20, 2008 after a long illness in Kanawha County, WV where he was a lifelong resident.

John served in the U.S. Army during World War II and continued his military service for 32 years in the Army Reserves and in the West Virginia National Guard. He also worked for DuPont Chemical and retired after 37 years of employment.

He is most remembered for his extraordinary service to the citizens of Kanawha County, through his 57 years of involvement with first responder services and 50 years as chief of the Cedar Grove Fire Department.

He was a champion of emergency services in Kanawha County and in the State of West Virginia. He created the Cedar Grove Ambulance Service and helped establish county wide ambulance services. He is also the original founder of the Kanawha County Fireman's Mutual Aid Association.

He is survived by his wife, Lois Robinson Smoot; his son, John R. Smoot; his grandsons, Jonathan and Cody, and his brother; George Smoot. Area fireman paid tribute to Chief Smoot by including trucks from all Kanawha County Fire Departments in the funeral procession.

Madam Speaker, I proudly ask you to join me in honoring the life of John R. Smoot, whose dedication and service is truly admirable. He will be sadly missed.

RECOGNITION OF MERCER AND MONROE COUNTIES AS BEST COMMUNITIES FOR YOUTH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. RAHALL. Madam Speaker, I rise today in recognition of two counties in my district, Mercer and Monroe, which have again received the honor as two of the Nation's ''100 Best Communities for Youth 2008'' by the Alliance for Youth. This is the third such award for Mercer County and the second award for Monroe County, both of whom were also honored last year.

These counties competed against 750 participants from more than 300 communities in all 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, who were all vying for this unique distinction.

This award is well-deserved, as these communities have dedicated themselves to fostering a healthy, safe, and caring environment for our young people. I share this vision and am deeply honored to once again have the only two localities in West Virginia recognized located in my district.

I pledge to continue my work to make the communities in the Third District a healthy and nurturing environment for our children, by supporting legislation and programs that will keep our children safe. Last year, I supported full funding of both the Drug Free Communities grant program and the Safe and Drug Free Schools Program against the budget cuts recommended by the administration. These programs make a visible difference in our communities and are invaluable when it comes to preventing and reducing substance abuse, particularly with our teenagers and young adults.

While these programs are effective, it is by far not the end of our work. As the folks of Mercer and Monroe counties can attest, we must not waver from our commitment to our youth. As much as we accomplish, we must strive to do better.

West Virginia native and renowned author Pearl S. Buck once said, ''If our American way of life fails the child, it fails us all.''

These are words to live by, words that Mercer and Monroe counties have once again proven they are living by everyday. I again commend the entire community—the teachers, the civic leaders, the parents, and the children as well, who are all so very bright—for the hard work they have done and continue to do.

I encourage other communities in the Third District and across West Virginia and our Nation to follow the fine example set by Mercer and Monroe Counties in showing what it means to keep America's promise to our young people. As the Alliance for Youth said, ''It is our hope that these 100 Best inspire communities across the country to create environments where children and families have boundless opportunities.''

PROTECT AMERICA ACT OF 2007 EXTENSION

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. WOOLSEY. Madam Speaker, I rise today in opposition to H.R. 5104, the Protect America Act Extension, which will extend the authorization for the administration's warrantless wiretapping program for another 15 days. I voted against the Protect America Act when it passed in August 2007 because I believe it violates the Constitution and undermines Americans' fundamental civil liberties. Today, I cannot support extending this unconstitutional program for another 15 days.

The Protect America Act (PAA) abandoned the protections of Americans' rights and freedoms that were the hallmark of the Foreign Intelligence Surveillance Act (FISA), which became law in 1978. FISA was established in response to past abuses of electronic surveillance by Administrations who justified wiretaps under national security concerns. Surveillance was to be subjected to court oversight, where warrants would be required if an Administration sought surveillance of Americans.

We live in a dangerous world and we must protect our country from terrorist attacks. However, commitment to the rule of law, consumer privacy, freedom from unwarranted government intrusion, and our system of checks and balances should never be sacrificed to accommodate an Administration determined to expand its own powers. Instead of extending the PAA for another 15 days, we should be modernizing FISA to accommodate new technologies while requiring that surveillance of American citizens is always subject to court oversight and in compliance with the 4th Amendment. This is the only way to protect America and American freedoms.

SEMPER FI!

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. POE. Madam Speaker, it's no big surprise to me that the peaceniks out in Berkeley, California don't know the first thing about peace, but their latest attack on the real proprietors of peace has stirred up a firestorm. Just in case you haven't heard, the city of Berkeley passed a resolution telling the local U.S. Marine Corps recruiting station that is was ''not welcome in the city and if recruiters choose to stay, they do so as uninvited and unwelcome intruders.'' Mayor Tom Bates said, ''The Marines don't belong here, they shouldn't have come here and they should leave.'' The city of Berkeley has even issued a permit for the radical anti-military group ''Code Pink'' to use the parking spot once reserved for the Marine Recruiting Station. Code Pink has parked a panel truck displaying ''peace at any price'' type statements in front of the recruiting office.

Well, let me remind Mr. Bates that he enjoys the rights and freedoms known only to Americans because the Marines are here. And as for me and the rest of the freedom loving Americans, we hope they never leave. These defenders of democracy deserve better than Berkeley's arrogant disapproval. Berkeley's deplorable anti-Marine city leaders must still have a 60's peacenik hippie mentality that world peace can occur by sitting around smoking dope and banging on the tambourine.

Life in la-la land is all daisy chains and braids, but it's just not reality. Reality is that freedom doesn't come free. Twenty-four of America's finest from my 2nd Congressional District area in Texas have given their lives defending freedom in Iraq and Afghanistan. Seven of them were Marines. Their bravery, dedication, and patriotism will not be tarnished by the foolish words of a few. Their sacrifice will never be forgotten by their friends, their family and freedom-loving peoples throughout the world.

Berkeley's latest onslaught of the Marines is just another attack in a long history on our country. It is against Federal law to willfully obstruct the recruiting or enlistment service of the United States. American taxpayer money should not be used to support those cities that break our laws. Berkeley should lose all Federal funding for their smug denouncement of the Marine Corps. Patriotic Americans should not subsidize cities that tell the Marines to ''get out of town.''

Now, I am a fierce proponent of the First Amendment protecting freedom of speech. The city of Berkeley can bash the Marines in their resolutions, but freedom of speech is not free of consequences. And the consequences should be loss of Federal funds appropriated to the city.

I believe that we must respect those that afforded us those rights and hold them in the highest esteem for their sacrifices. And like it or not, it is the U.S. military that has always been on the front lines to defend the liberties of all Americans, even the hippies in Berkeley.

February 19th marks the 63rd anniversary of the Battle of Iwo Jima. The month long battle against Imperial Japan resulted in 26,000 U.S. casualties, mostly young Marines. The quiet riverbank of the Potomac is home to the Iwo Jima Memorial. It is a solemn reminder that the Marines are ''always faithful'' to the United States of America. Joe Rosenthal took his famous photograph of five Marines and a Navy Corpsman hosting Old Glory above Mount Suribachi. Of the six flag-raisers in the Memorial, three were killed after the stars and stripes were raised above the volcano. One was Harlan Block from South Texas.

The Marines go where others fear to tread, and the timid are not found. They fight for all American values, including the rights of people in Berkeley to say what they want. But the few—the noble few—the proud—the Marines deserve the honor, respect, and thanks of a grateful Nation.

Ronald Reagan best summed it up when he said, ''Some people spend an entire lifetime wondering if they made a difference. The Marines don't have that problem.'' And as for the unwelcome Marines out in Berkeley: send 'em all to Texas! We'll have a parade, fly the flag and the high school band will play the Marine Hymn. Oooh Rah! Semper Fi!

And that's just the way it is.

CORRECTION

Daily Digest

HIGHLIGHTS

Senate passed the H.R. 3773, RESTORE Act (FISA Amendments Act).

Senate

Chamber Action

Routine Proceedings, pages S879–S924

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 2622–2626, and S. Res. 447–449. **Page S919**

Measures Passed:

RESTORE Act: Senate passed H.R. 3773, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2248, Senate companion measure.

FISA Amendments Act: By 68 yeas to 29 nays (Vote No. 20), Senate passed S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, after taking action on the following amendments proposed thereto: **Pages S880–S913**

Adopted:

Whitehouse Modified Amendment No. 3920 (to Amendment No. 3911), to clarify that the Foreign Intelligence Surveillance Court has the authority to determine and enforce compliance with any order or rule of, or procedure approved by, such Court. **Pages S880–81**

Bond/Rockefeller Modified Amendment No. 3938 (to Amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978. **Pages S880, S886–87**

Rockefeller/Bond Amendment No. 3911, in the nature of a substitute. **Page S890**

Rockefeller/Bond Amendment No. 4018 (to Amendment No. 3911), of a technical nature.

A unanimous-consent agreement was reached providing that, not withstanding the adoption of Rockefeller/Bond Amendment No. 3911 (listed above), that Rockefeller/Bond Amendment No. 4018 (listed above), be agreed to. **Pages S900–901**

Rejected:

By 35 yeas to 63 nays (Vote No. 14), Feingold Amendment No. 3979 (to Amendment No. 3911), to provide safeguards for communications involving persons inside the United States. **Pages S880, S883–84**

By 31 yeas to 67 nays (Vote No. 15), Dodd Amendment No. 3907 (to Amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government. **Pages S880, S884–85**

By 37 yeas to 60 nays (Vote No. 16), Feingold/Dodd Amendment No. 3912 (to Amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions. **Pages S880, S885–86**

By 30 yeas to 68 nays (Vote No. 17), Specter/Whitehouse Amendment No. 3927 (to Amendment No. 3911), to provide for the substitution of the United States in certain civil actions. **Pages S880, S887–89**

Withdrawn:

By 57 yeas to 41 nays (Vote No. 13), Feinstein Amendment No. 3910 (to Amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S880, S881–83**

By 41 yeas to 57 nays (Vote No. 18), Feinstein Amendment No. 3919 (to Amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S880, S889–90**

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 29 nays (Vote No. 19), three-fifths of those Senators duly chosen and sworn, having

voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S890–91**

Subsequently, the passage of S. 2248, was vitiated and the bill was returned to the Senate Calendar. **Page S904**

Making Minority Party Appointments: Senate agreed to S. Res. 448, making minority party appointments for the 110th Congress. **Page S923**

Nominations Received: Senate received the following nominations:

Jeffrey Robert Brown, of Illinois, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Jeffrey Robert Brown, of Illinois, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Hyepin Christine Im, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for the remainder of the term expiring October 6, 2008.

Hyepin Christine Im, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

Layshae Ward, of Minnesota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2012.

Perri Klass, of New York, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2009.

Katherine Mitchell, of Alabama, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2010.

Eduardo J. Padron, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2009.

Alexa E. Posny, of Kansas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2008.

Timothy Shanahan, of Illinois, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2010.

Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2009. **Pages S923–24**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Warren Bell, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012 (Recess Appointment), which was sent to the Senate on January 9, 2007.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years, which was sent to the Senate on January 9, 2007.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years, which was sent to the Senate on January 9, 2007.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years, which was sent to the Senate on January 9, 2007.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years, which was sent to the Senate on January 9, 2007.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years, which was sent to the Senate on January 9, 2007.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years, which was sent to the Senate on January 9, 2007.

Patricia Mathes, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2007, which was sent to the Senate on January 9, 2007. **Page S924**

Messages from the House: **Pages S918–19**

Additional Cosponsors: **Pages S919–20**

Statements on Introduced Bills/Resolutions: **Pages S920–22**

Additional Statements: **Pages S916–18**

Amendments Submitted: **Page S922**

Notices of Hearings/Meetings: **Pages S922–23**

Authorities for Committees to Meet: **Page S923**

Record Votes: Eight record votes were taken today. (Total—20) **Pages S883, S884, S885, S886, S889, S890, S891, S904**

Adjournment: Senate convened at 10:00 a.m. and adjourned at 6:26 p.m., until 9:30 a.m. on Wednesday, February 13, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S923.)

Committee Meetings

(Committees not listed did not meet)

AIR FORCE NUCLEAR SECURITY

Committee on Armed Services: Committee concluded open and closed hearings to examine Air Force nuclear security, focusing on the August 2007 weapons-transfer incident, after receiving testimony from Lieutenant General Daniel J. Darnell, USAF, Deputy Chief of Staff for Air, Space and Information Operations, Plans and Requirements, Major General Douglas L. Raaberg, USAF, Director, Air and Space Operations, Air Combat Command, Major General Polly A. Peyer, USAF, Director, Resource Integration, Office of the Deputy Chief of Staff, Logistics, Installation, and Mission Support, all of the Department of Defense; and General Larry D. Welch, USAF (Ret.), Institute for Defense Analysis, Alexandria, Virginia.

DEFENSE AND WAR COSTS BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2009 for the Department of Defense and war costs, after receiving testimony from Gordon England, Deputy Secretary, General James Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff, and Tina Jonas, Under Secretary (Comptroller), all of the Department of Defense.

HEALTHCARE WORKFORCE ISSUES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine ways to address healthcare workforce issues for the future, focusing on primary care professionals, after receiving testimony from A. Bruce Steinwald, Director, Health Care, Government Accountability Office; Kevin Grumbach, University of California Department of Family and Community Medicine, San Francisco; Roderick S. Hooker, Department of Veterans Affairs Medical Center, Dallas, Texas; Edward Salsberg, Association of American Medical Colleges (AAMC), Washington, D.C.; James Q. Swift, American Dental Education Association (ADEA), Minneapolis, Minnesota; Bruce Auerbach, Massachusetts Medical Society, Waltham; Beth Landon, Alaska Center for Rural Health, Anchorage, on behalf of the National Rural Health Association (NRHA); Jennifer S. Laurent, Vermont Nurse and Practitioner Association, Burlington; and John E. Maupin, Jr., Morehouse School of Medicine, Atlanta, Georgia, on behalf of the Association of Minority Health Professions Schools.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 68 public bills, H.R. 5336–5403; and 8 resolutions, H. Con. Res. 291–292; and H. Res. 971–973, 975, 977–978 were introduced. **Pages H868–70**

Additional Cosponsors: **Pages H870–72**

Reports Filed: Reports were filed today as follows:

H. Res. 974, providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development (H. Rept. 110–524) and

H. Res. 976, providing for consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days (H. Rept. 110–525). **Page H868**

Speaker: Read a letter from the Speaker wherein she appointed Representative Butterfield to act as Speaker Pro Tempore for today. **Page H819**

Recess: The House recessed at 12:35 p.m. and reconvened at 2:00 p.m. **Page H819**

Chaplain: The prayer was offered by the guest Chaplain, Chaplain William E. Dickens, Jr., 445th Airlift Wing, Wright-Patterson Air Force Base, Ohio. **Pages H819–20**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008: H. Res. 954, amended, to honor the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008, by a 2/3 yea-and-nay vote of 357 yeas with none voting ''nay'', Roll No. 43; **Pages H820–23, H848–49**

Acadia National Park Improvement Act of 2007: H.R. 2251, amended, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park; **Pages H823–24**

Kalaupapa Memorial Act of 2007: H.R. 3332, amended, to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969; **Pages H824–27**

Recognizing the 100th anniversary of the declaration of Muir Woods National Monument by President Theodore Roosevelt: H. Res. 868, to recognize the 100th anniversary of the declaration of Muir Woods National Monument by President Theodore Roosevelt; **Pages H827–28**

Expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States'': H. Con. Res. 209, to express the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''; **Pages H828–29**

Authorizing 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: H.R. 29, 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; **Pages H829–31**

Airport and Airway Extension Act of 2008: H.R. 5270, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund; **Pages H831–34**

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: H. Res. 909, amended, to commemorate 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, by a 2/3 yea-and-nay vote of 361 yeas with none voting ''nay'', Roll No. 44; **Pages H834–37, H849**

Dr. Clifford Bell Jones, Sr. Post Office Designation Act: H.R. 3468, to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''; **Pages H839–40**

Private Johnathon Millican Lula Post Office Designation Act: H.R. 3532, to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''; **Pages H840–41**

Jamaal RaShard Addison Post Office Building Designation Act: H.R. 4203, amended, to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia,

Georgia, as the "Jamaal RaShard Addison Post Office Building"; **Pages H841–42**

Agreed to amend the title so as to read: "To designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the 'Specialist Jamaal RaShard Addison Post Office Building.' ". **Page H842**

Sergeant Jamie O. Maugans Post Office Building Designation Act: H.R. 5135, to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building"; and **Pages H842–44**

Celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs: H. Con. Res. 281, to celebrate the birth of Abraham Lincoln and to recognize the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs, by a 2/3 yea-and-nay vote of 357 yeas with none voting "nay,', Roll No. 45. **Pages H844–47, H849–50**

Whole Number of the House: The Chair announced to the House that, in light of the passing of Representative Lantos of California, the whole number of the House is adjusted to 429. **Page H848**

Recess: The House recessed at 4:55 p.m. and reconvened at 6:30 p.m. **Page H848**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed until Wednesday, February 13th:

Congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history: H. Res. 960, to congratulate the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history. **Pages H837–39**

Moment of Silence: The House observed a moment of silence in memory of the late Honorable Tom Lantos. **Page H849**

In Memory of the late Honorable Tom Lantos of California: The House agreed to H. Res. 975, expressing the condolences of the House on the death of the Honorable Tom Lantos, a Representative from the State of California. **Pages H850–61**

Presidential Message: Read a message from the President wherein he transmitted to Congress the 2008 Economic Report of the President—referred to the Joint Economic Committee and ordered printed (H. Doc. 110–83). **Page H847**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H847–48.

Senate Referrals: S. 2071 was referred to the Committee on Energy and Commerce and the Committee on the Judiciary; S. Con. Res. 67 and S. Con. Res. 68 were referred to the Committee on House Administration; and S. Res. 446 was held at the desk. **Page H867**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H848, H849, and H849–50. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and at 9:36 p.m., pursuant to the provisions of H. Res. 975, it stands adjourned in memory of the late Honorable Tom Lantos.

Committee Meetings

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Wildland Fire Management Oversight. Testimony was heard from. Robin Nazzarro, Director, Natural Resources and Environment, GAO; the following officials of the USDA: Kathleen Tighe, Deputy Inspector General; and Mark E. Rey, Under Secretary, Natural Resources and Environment; James Cason, Assistant Secretary, Policy and Budget, Department of the Interior; and public witnesses.

WORKPLACE DISCRIMINATION

Committee on Education and Labor: Subcommittee on Health, Employment, Labor and Pensions held a hearing on Protecting American Employees from Workplace Discrimination. Testimony was heard from Representatives McCarthy of New York and Souder; public witnesses.

KETEK CLINICAL STUDY FRAUD

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Ketek Clinical Study Fraud: What Sanofiaventis Knew." Testimony was heard from Senator Grassley; the following Special Agents, Office of Criminal Investigation, FDA, Department of Health and Human Services: Robert West, and Douglas Loveland; Robert Eke, Assistant to the Special Agent in Charge, Special Investigations Division, Office of Inspector General, Department of Housing and Urban Development; and public witnesses.

MISCELLANEOUS MEASURES

Committee on House Administration: Ordered reported the following: H.R. 5159, amended, Capitol Visitor Center Act of 2008; and a privileged resolution dismissing the election contest relating to the office of the Representative from the 13th Congressional District of Florida (*Jenning v.Buchanan).*

GROWTH HORMONE'S HEALTH IMPACTS

Committee on Oversight and Government Reform: Held a hearing on Myths and Facts about Human Growth Hormone, B–12, and Other Substances. Testimony was heard from Susan Shurin, M.D., Deputy Director, National Heart, Lung and Blood Institute, NIH, Department of Health and Human Services; and public witnesses.

FEDERAL EMPLOYMENT PAY FOR PERFORMANCE

Committee on Oversight and Investigations: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing on Robbing Mary to Pay Peter and Paul: the Administration's Pay for Performance System. Testimony was heard from the following officials of the Department of the Treasury: J. Russell George, Inspector General, Tax Administration, Department of the Treasury; and Richard Spires, Deputy Commissioner, Operational Support, IRS; Diego Ruiz, Executive Director, SEC; Ronald Sanders, Chief Human Capital Officer, Office of the Director of National Intelligence; and public witnesses.

PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 3521, Public Housing Asset Management Improvement Act of 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Finally, the rule tables H.Res. 955. Testimony was heard from Chairman Frank and Representatives Sires, Jackson-Lee of Texas, Meek of Florida and Capito.

TO EXTEND THE PROTECT AMERICA ACT OF 2007 FOR 21 DAYS

Committee on Rules: Granted, by a vote of 7–4, a closed rule providing for consideration of H.R. 5349, which extends the Protect America Act of 2007 for 21 days. The rule provides for 60 minutes of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions of the bill. The rule provides one motion to recommit with or without instructions. Finally, the rule permits the Chair, during consideration of the bill, to postpone further consideration of it to a time designated by the Speaker. Testimony was heard from Chairman Conyers and Representative Lungren.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 13, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill service members, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider an original bill entitled "Industrial Bank Holding Company Act of 2008", 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine the President's budget request for fiscal

year 2009 for the Department of the Interior, 9:45 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the President's budget request for fiscal year 2009 for foreign affairs, 10 a.m., SD–106.

Full Committee, business meeting to consider pending calendar business, 3:30 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine the Family and Medical Leave Act (FMLA)(P.L. 103–3), focusing on a fifteen year history of support for workers, 3 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the role of the Department of Defense in homeland security, focusing on how the military can and will contribute, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the state secrets privilege, focusing on protecting national security while preserving accountability, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs, 9:30 a.m., SR–418.

Select Committee on Intelligence: closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the housing foreclosure aftermath, focusing on concerns for elderly homeowners, 10:30 a.m., SD–628.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on USDA Secretary Edward Schaefer, 10 a.m., 2362–A Rayburn.

Subcommittee on Defense, on DOD Budget Overview with Secretary Robert Gates, 10 a.m., 2359 Rayburn, and, on United States Marine Corps Readiness, 2 p.m., 140–Capitol.

Subcommittee on Homeland Security, on Management Challenges—Inspector General and GAO, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on U.S. Forest Service, 10 a.m., B 308 Capitol.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, overview hearing on Implications of Economic Trends for Workers, Families, and the Nation, 10 a.m., 2358–C Rayburn.

Subcommittee on Legislative Branch, on Architect of the Capitol, 10 a.m., H–144 Capitol.

Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies, on U.S. Department of Housing and Urban Development Fiscal Year 2009 Budget Request, 9:30 a.m., 2358–A Rayburn.

Committee on Armed Services, hearing on Global Security Assessment, 10 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on Readiness at Risk: Department of Defense Security Clearance Processes, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on Treasury Department Fiscal Year 2009 Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, hearing on Modern Public School Facilities: Investing in the Future, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing and mark up of H.R. 3754, To authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes, 1 p.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''Status of the DTV Transition: 370 Days and Counting,'' 9:30 a.m., 21213 Rayburn.

Committee on Financial Services, hearing entitled ''The Community Reinvestment Act: Thirty Years of Accomplishments, but Challenges Remain,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, February 13, hearing on International Relations Budget for Fiscal Year 2009, 2:30 p.m., 2237 Rayburn.

Committee on Homeland Security, hearing entitled ''The President's FY 2009 Budget Request for the Department of Homeland Security,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on Problems with ICE Interrogation, Detention and Removal Procedures, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 2176, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; H.R. 4115, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; H.R. 1143, To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; H.R. 1311, Nevada Cancer Institute Expansion Act; H.R. 1922, Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007; H.R. 816, Orchard Detention Basin Flood Control Act; and H.R. 3473, Bountiful City Land Consolidation Act, 11 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 1187, Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; H.R. 1907, Coastal and Estuarine Land Protection Act; H.R. 2342, National Integrated Coastal and Ocean Observation Act of 2007; H.R. 3352, Hydrographic Services Improvement Act Amendments of 2007; H.R. 3891, To amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; and H.R. 4933, Captive Wildlife Safety Technical Amendments Act of 2008, 3 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, to continue hearings on The Mitchell Report: The Illegal Use of Steroids in Major League Baseball, Day 2, 10 a.m., 2154 Rayburn.

Subcommittee on Government Management, Organization, and Procurement, hearing on Surplus Property: Improving Donation and Sales Programs, 2 p.m., 2247 Rayburn.

Committee on Science and Technology, hearing on NASA's Fiscal Year 2009 Budget Request, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations and Oversight, hearing entitled ''SBIR: Advancing Medical Breakthroughs,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on Reviewing the Recommendations of the National Surface Transportation Policy and Revenue Study Commission, 10 a.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on Runway Safety. 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Review of Expiring Programs, 2 p.m., 340 Cannon.

Subcommittee on Oversight and Investigations, hearing on VA FY 2009 Budget—Office of the Inspector General and Office of Information and Technology, 2:30 p.m., 210 Cannon.

Committee on Ways and Means, hearing on the Administration's budget proposals for fiscal year 2009, OMB, 10 a.m., and on Administration's budget proposals fiscal year 2009 for the Department of Health and Human Services, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Hot Spots, 8:45 a.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on Counterintelligence Hot Spots, 2 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Finland's leadership of the Organization for Security and Co-operation in Europe (OSEC), focusing on plans, priorities, and challenges that face the region, 11 a.m., B318, Rayburn Building.

Joint Economic Committee: to hold hearings to examine the efficacy of sovereign wealth funds, focusing on the U.S. economy and national security risks, 2 p.m., SD–106.

Next Meeting of the SENATE

9:30 a.m., Wednesday, February 13

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will vote on the motion to invoke cloture on the conference report to accompany H.R. 2082, Intelligence Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 13

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H. Res. 917—Supporting the goals and ideals of National Engineers Week; (2) H.R. 1834—National Ocean Exploration Program Act; (3) H. Res 966—Honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness; (4) H. Con. Res. 289—Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; (5) H.R. 4169—American Braille Flag Memorial Act; (6) H. Res. 790—Commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans; (7) H. Res. 963—Supporting the goals and ideals of National Salute to Hospitalized Veterans Week; (8) S. 2571—To make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act; (9) H. Res. 972—Supporting the Goals and Ideals of American Heart Month and National Wear Red Day; and (10) H. Res. 971—Expressing the sympathies and support of the US House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5, 2008. Consideration of H.R. 3521—Public Housing Asset Management Improvement Act of 2007 (Subject to a Rule) and H.R. 5349—To extend the Protect America Act of 2007 for 21 days (Subject to a Rule).

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