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Senate

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

The PRESIDING OFFICER. Today's prayer will be offered by the Chief of Staff to the Senate Chaplain, Alan N. Keiran.

The guest Chaplain offered the following prayer:

PRAYER

Let us pray.

Spirit of the living God, discover us today. Remove the obstacles that keep us from You and reach into the barren places of our hearts. Permit us to hear Your whisper as we are guided by our conscience. Chasten us as You guide our feet to the right path.

Today, O Lord, speak to our Senators. Let some ennobling word of justice and beauty inspire them in this challenging hour. Strengthen them to mend broken relationships, to maintain their integrity, and to strive always to please You. Protect them with Your power. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 30, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN 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. This morning, the Senate will be in a period for the transaction of morning business for 60 minutes, the first half controlled by the majority and the remaining half controlled by the Republicans. Following morning business, we will resume H.R. 2, the minimum wage bill, and debate on the motion to invoke cloture on the substitute amendment to H.R. 2 will extend until 12:15 p.m. today, and that time is equally divided. However, at 11:55 a.m., the Republican leader will be recognized for 10 minutes for whatever time he or his designee wishes to speak, and then the final 10 minutes prior to 12:15 p.m. will be controlled by the majority. The first 5 minutes of that time will be for Senator KENNEDY and the second 5 minutes will be for me.

Regardless of the outcome of the cloture vote, the Senate will recess for the party conferences and then reconvene at 2:15 p.m. For the information of the Senate, each Senator will have until 11 a.m. to file any additional second-degree amendments.

I will have more to say later today regarding the schedule, according to how the votes turn out.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with each Senator permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority and the second half of the time under the control of the minority.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINIMUM WAGE

Mr. DURBIN. Mr. President, at long last, I believe we are on the verge of passing legislation that is long overdue. Soon we are going to vote on a procedural motion, known as a cloture motion, for the Fair Minimum Wage Act, which takes us one step closer to raising the minimum wage to $7.25 per hour over the next 2 years.

It has been 10 years since Congress has raised the minimum wage for the lowest paid workers in America. Since we last raised the minimum wage, its value has eroded because of inflation, the rising cost of living. Unlike our congressional pay raises, it has not kept pace with the actual cost of living in America.

The Democrats have been trying for almost 10 years to convince the majority party, then Republicans, that there

are millions of Americans who go to work every single day and still can't make enough money to provide decent daycare for their kids, pay their medical and utility bills, and provide food and other essentials that are part of every family's life.

Many of those people working for a minimum wage in Illinois make about $6.50 an hour because we raised it on a State basis in my home State. Yet they understand the need to raise the minimum wage. One woman wrote to me and said:

I can't support my daughter on the wages I have, and I have to rely on my family. I won't get a significant increase in my wages until you bump up the wages. I make about $14,000 a year. I'm sure that's nothing to you but I have to live off that.

This woman, by the way, is a college graduate trying to raise her child, trying to do the right thing.

What help has she received from this Congress over the last 10 years? Almost none. Keep in mind, she lives in a State where our minimum wage is higher than $5.15. I can't imagine, in the 21 States that are stuck at $5.15 an hour, how these folks get along.

I heard a lot of my colleagues stand up on the floor and make good speeches about family values. Let's all agree on one thing: The most important family value is helping a parent raise a child and provide the necessities of life, and $5.15 an hour will not do that.

So 6 million Americans are watching this debate. Those are the people living on the minimum wage. I urge my colleagues to keep them in mind when we get a chance to vote this afternoon.

THE ECONOMY

Mr. President, I am honored that the President of the United States is in my home State of Illinois today. He is visiting Peoria, a great city. It has a great major company, Caterpillar, which has had terrific success. Caterpillar has shown increases in revenues and profits. It is a great corporate citizen and neighbor in the Peoria area. We are proud it is doing well.

But I would like to talk for a minute about areas in Illinois that the President will not be visiting. He will not be visiting Herod, IL, which lost 1,000 jobs recently when its Maytag manufacturing plant closed; or DuQuoin, IL, where 356 manufacturing jobs were lost at Archway; and then Mount Vernon, where Joy Manufacturing lost 175 manufacturing jobs; and Pinckneyville, where Technicolor Media Services will be closing its plant on March 31, causing 444 people to lose their jobs. I could go on.

Today President Bush comes to Peoria to talk about the state of the America's economy. The reality of America's economy is that on his watch, we have lost 3 million manufacturing jobs. Some have been replaced with jobs in convenience stores, but we all know the harsh reality. A person working for a minimum wage in a convenience store is not going to be able to take care of their family similar to someone working in a manufacturing job.

We have to understand that America can do better. How can we do better? First, acknowledge that trade is part of our future; globalization is as real as gravity. But make sure the trade agreements we enter into are trade agreements that are sensible—sensible in terms of labor standards, environmental standards, and enforceable.

The one thing that troubles me the most is this Bush administration has refused to enforce the trade agreements on the books. We all know what is going on in China—currency manipulation, dumping, unfair subsidies. Under the Bush administration, in 6 years, they have only filed two complaints against China for unfair trade practices.

As we lose good-paying jobs in America to China and other countries, we need to stand up and enforce the trade agreements that this administration and others have entered. The Bush administration needs to stand up for working families and fight off unfair trade practices that steal good jobs from America.

We also have to understand another harsh reality. Most Americans today, when asked, don't believe their children will have as good a life as they have had. That is such a sad commentary in America. It reflects the fact that 47 million Americans have no health insurance. It reflects the fact that fewer and fewer Americans have a retirement plan on which they can count, and it shows us that the wages that are being paid to working families, middle-income families in America, are not keeping up with the cost of housing, the cost of utility bills, the cost of gasoline for their cars, and the cost of putting their children through college.

If you want to know the real state of the economy, don't sit down and talk to the economists. Talk to the real working families in Illinois and across America who are struggling each day to make ends meet, going deeper in debt on their credit card bills and wondering if their kids will have as good a chance in the America to come.

That is the reality of our economy. Oh, the stock market may be strong. The heads of major corporations may be making tens of millions, hundreds of millions of dollars. The Tax Code may be crafted by this administration to favor those who are doing so well. But the reality on Main Street in America is that people are struggling. We are losing manufacturing jobs. We are not enforcing our trade agreements, and we are not giving the kind of hope which they need to working families across America.

This Congress is going to start to turn that around. It will take some time. First, we are going to raise the Federal minimum wage. Then we are going to address the needs of the families who have kids in college, reduce the cost of those college student loans so kids don't end up with a mountain of debt when they finally graduate; find a way to make health care more affordable and bring down the cost of the prescription part of Medicare, Part D, so the seniors are not stuck with the highest drug bills in America.

That I hope is the real state of the economy. I hope the President will today acknowledge that reality.

IRAQ

One last point I would like to make—the major issue on the minds of most Americans is the situation in Iraq. The President now wants to send 21,000 more troops to Iraq. Many of us feel this is a serious mistake; this is a strategy which has not been thought out.

This morning's Washington Post tells a story which is ominous. It is entitled ''Equipment for Added Troops is Lacking.'' It goes on to say:

New Iraq forces must make do, officials say.

And here is the grim reality. The 21,000 soldiers this President wants to send into Iraq to join the 144,000 there will go without the equipment and protection they need and deserve. This report, which comes from the Pentagon, tells us that whether we are talking about vehicles, armor kits or basic equipment, our troops will not have what they need. In fact, the statement in here is from LTG Stephen Speakes and suggests:

We don't have the [armor] kits, and we don't have the trucks. . . . He said it will take the Army months, probably until summer, to supply and outfit the additional trucks. As a result, he said, combat units flowing into Iraq would have to share the trucks assigned to units now there, leading to increased use and maintenance.

I have to ask, before we put any more soldiers in harm's way, don't we owe them the very best equipment they need so they can fight and come home safely? Don't we owe that to them and their families?

Some argue that when we come to the floor and take exception to the policies of this administration, it undermines the morale of the troops. I couldn't disagree more. What undermines the morale of the Nation's soldiers is the notion that they have to go into combat with less than the best equipment, that they have to go into combat without the armor plate they need to come home safe and sound. That undermines morale a lot more than any debate on the floor of the Senate, and it is time for the White House and the Bush administration to answer honestly how can we escalate this war in Iraq if we don't at least improve the equipment for the troops who are going into battle? That is the reality of what our soldiers face today and have faced throughout this war in Iraq, and that is why we definitely need a new direction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are in morning business at this time?

The ACTING PRESIDENT pro tempore. The Senator is correct. We are in morning business.

INCREASING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I wish to, again, thank my friend from Illinois and also our leader for their strong support on the increase in the minimum wage. We will have more as we go on through the morning. We expect to vote at noontime today on the increase on the minimum wage. This is day seven. We had five courageous Republicans who voted with us to pass what we call a clean minimum wage law that would increase the minimum wage from $5.15 an hour to $7.25 without additional kinds of tax provisions in there. The nine times we have increased the minimum wage we have only added tax provisions on one time. It is not necessary to add additional tax provisions, since we are restoring the purchasing power of the minimum wage to what it was some 10 years ago.

But I raise another broader issue for a few moments and that is, What is it about these working families that so outrages our Republican friends? What is it about providing a decent wage—some would say it is not decent because it is still so low at $7.25 an hour—but what is it about our Republican friends that they refuse to give us a vote in the Senate? It is true that 80 Republicans voted for an increase over in the House of Representatives. But Republican leadership has been strongly opposed to this over the last 10 years that I tried to bring up an increase in the minimum wage. It goes back a long period of time. We are seeing it once again, here, as the President is against an increase in the minimum wage.

I remind those who are watching the Senate deliberations this morning that we do not have any amendments over here on our side. The Democrats do not have any. They have more than 90 amendments over on the other side. I reminded the Senate, they have had amendments for over $200 billion. Some are dealing with Social Security. There are $35 billion in tax cuts on education, but they didn't include any help or assistance for children on the IDEA, those with disabilities or, for the neediest children, the Pell grants. We haven't had any consideration on that. They dropped that amendment in on the minimum wage program, completely unrelated to the minimum wage program. They had health savings accounts to benefit people with incomes of $133,000. We have had all those kinds of amendments, and they continue, if you read through that list. I have gone through those amendments and they continue.

My question comes back to this. What is it that the Republican leadership has against working families? I have raised that over the period of the last few days and I raise it today. I was looking back at the record of our Republican friends over the last year or so. They eliminated 6 million workers from overtime. Do we understand that? In the last 2 years, 6 million workers have had their overtime effectively canceled.

Since the 1930s, under President Roosevelt, there was a recognition that if people work more than 40 hours a week, they were going to be able to get overtime. The number of those individuals who work more than 40 hours a week is significant. It is over 28 percent in our country today. But this administration eliminated that extra time and a half for 6 million workers.

We say: What is it about those 6 million workers? Then we think about the opposition to the increase in the minimum wage. We take away their overtime when we are seeing this extraordinary increase in executive salaries, salaries which are exploding through the ceiling. Take away that overtime for 6 million workers. All right.

Then we see the great tragedy we had with Katrina, and we saw the attempts to rebuild after Katrina. What was the first thing the administration said? Eliminate any coverage or protection for workers in terms of their wages down there, what they call the Davis-Bacon program. It means they are not going to get paid what they get paid in the various regions, eliminate that so you can drive wages down even further in New Orleans. What is the reason for that? It is a good way to drive wages down for workers.

What is it about people in the construction industry? They average, I think it is $29,000 a year. That is too much for our Republican friends? Or $10,712 for a working American, a man or woman at the minimum wage, and they refuse to give some increase in that to $7.25 an hour? Here you have the average construction worker at $29,000 a year, and you are saying that is too high. What is it about this Republican Party, against the working families?

What was in their minds when they eliminated safety positions and reduced the budget for mine safety, prior to the Sago and Alma mine disasters? What was in their minds at that time, to reduce the kind of safety provisions? Is the power of the mine companies so great they can increase the risks for workers? Oh, yes, there are workers down there. They are the ones we want to cut back on, in terms of their overtime. They are the ones we are going to cut back on, in terms of safety.

I remember when this President Bush—after the first hearings we had, I think, in our committee—acted to eliminate the protections that had been recommended by President Clinton in the area of ergonomics, particularly affecting women who spend a great deal of time on computers. It affects others—those in the meat-packing industry and poultry industry, workers who perform repetitive kinds of procedures. We had extensive hearings. The Clinton recommendations were very modest. He encouraged companies to get into this and work with industry. Some people thought they were too weak, but they were protecting workers, hard-working people doing some of the most difficult work in America, protecting them so they are not going to get the kinds of complicated health challenges that will disable so many of those.

We know what the science is. We have had study after study by the National Academy of Sciences that said do something in Congress. We did something. But oh, no, the Republican leadership said: No, we are not going to do that. We are not going to provide protection for those workers. We are going to cut back on safety for those who work in the mines. We are going to cut back on overtime for 6 million. We are going to refuse to cover the workers down there in New Orleans who are working, trying to rebuild, when this administration basically ignored the problems there. Workers who were out there working, we are going to cut back and skimp on their salaries on this.

What is it about working people that this administration—the list goes on. Look at the amendments that are lined up to weaken OSHA. We see the number of lives that have been saved—tens of thousands of lives were saved. We have cut the death rate by more than 77 percent since OSHA has been in effect. There are new problems, new challenges, in terms of toxic substances, we have to look at. What is the voice over there? We hear great speeches about what is happening to the middle class. Let's take a step that can make some difference—certainly to 6 million children who will benefit if we increase the minimum wage from $5.15 to $7.25—6 million children's parents will benefit. We will have that opportunity.

I don't know what has changed in productivity. We worked closely together, for years and years, for a decent wage. It shows back in the 1960s, 1965 into the 1970s, we saw where our great American economy was moving along, increasing productivity. That increase in productivity was shared between the corporate world, the business world, and the workers. That is what was happening. We will get the charts later on.

Evidently our friends on the other side want to prolong this debate. We will get the charts to show that all America moved along in the 1940s and the 1950s, all the way through the 1960s—each quintile moved along virtually together. If you saw growth in the economy, it benefited all the groups together.

What has come over this country, and particularly the Republican Party, to say that no longer works in the United States? We don't want an economy that is going to work for everyone. We want an economy that is going to work for some—a few. What is it about it? I termed it ''greed.'' It is greed.

We have seen now what has happened in the change, in the increase in productivity. Still, the minimum wage goes down.

Mr. President, my excellent staff found that chart I was referring to—''Growing Together, 1947 to 1973.'' The lowest quintile, the second, third, right up to the very top—if you look at the different colors, you will see that all America moved along together. Now look what has happened. Corporations get a $276 billion tax break, small business a $36 billion tax break, and no increase in the minimum wage.

I hope somewhere during the course of this debate, our Republican friends will come out and make at least some argument about either the economics—it is an impossible one to make. You can't say it is the loss of jobs. We have dealt with that issue.

They will say you can't increase the minimum wage because it is inflationary in our economy. We show it is less than one-fifth of 1 percent of total wages paid over the course of the year. That argument doesn't work.

They will try to say it is not what our country is about, we can't afford that in the richest country in the world, where people are working. We demonstrate that the States which have an increase in minimum wage have grown faster and grown stronger and have a better economic record. And most important, child poverty has gone down.

I imagine, over the period of this year, we will hear 100 speeches in the different parts of our country about our children being our future. We have an opportunity today at noontime to do something about that. You don't have to make a speech, you have to vote right. You can vote today and, with that vote, hopefully, expedited process, that we can wind this legislation up and work out the differences with the House of Representatives and get it to the President to sign. Six million children will benefit.

So if you are talking about your concerns about middle class, if you are talking about working families, if you are talking about fairness and decency, if you are talking about children's issues, women's issues, civil rights issues, today at noon you have a chance to do something about it.

So I hope we will have more of an opportunity as we get closer to the time to add some additional comments. But I would hope that finally this basic, fundamental, and I think irrational, irresponsible, unacceptable, postured position our Republican friends have in terms of opposition—continued opposition, opposition, opposition—to the minimum wage would end. Today we are on the seventh day, but we debated this 16 other days to try to get an increase in the minimum wage without the Republicans letting us have it. How many days? What is the price? We don't even know what the price is. What are we supposed to do—keep bidding it out and sweetening the pot until the Republicans come along? Is that what the Americans want us to do? That is not what we are prepared to do.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I assume we are proceeding as in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BOND. I thank the Chair. I would just say that like many Members on my side of the aisle, we pushed for a minimum wage bill last fall. Regrettably, it was filibustered, so we couldn't bring it to a vote. We are looking for and I intend to support a minimum wage bill if it has some reasonable tax incentives for small businesses that would be seriously harmed in some instances by the cost of a very drastic rise in the minimum wage. But I am hoping we will be allowed and not be prevented from adding those tax breaks that I think everybody needs.

IRAQ AND RELATED ISSUES

Mr. BOND. Mr. President, I rise today to talk about Iraq and Iraq-related issues. I had the opportunity this past weekend and the previous weekend to spend a good deal of time with the Missouri National Guard men and women in Missouri who do a great job in providing civil response to tremendous problems, whether it is floods or tornadoes or, in some instances, an ice storm that was devastating. Many of them have been to Iraq and Afghanistan and are going back, and they are proud of what they do. They know they are doing the job the military was assigned to do, and they are proud of it and we should support them.

Mr. President, it is noteworthy that I mention again my colleague and National Guard Caucus Cochair Senator PAT LEAHY and I will reintroduce the National Defense Enhancement and National Guard Empowerment Act later today.

This comprehensive legislation recognizes the paramount contributions that our citizen soldiers and airmen have made not only in Iraq and Afghanistan, but all over the globe and particularly here at home.

The bill provides four central planks: the elevation of the Guard chief to the rank of general, a seat for the chief of the Guard Bureau on the Joint Chiefs of Staff; mandates that the Deputy NorthCom position be for an eligible National Guard officer; and it allows for the National Guard Bureau to identify and validate equipment requirements, particularly those unique to the Guard's homeland missions.

When we went after the terrorists in Afghanistan, the Guard was there. When we needed to establish order and stability in Iraq, the Guard was there. When Hurricanes Katrina and Rita devastated the Gulf Coast, the Guard was there. When a natural or man-made disaster strikes, the Governors call on the Guard, and the Guard is there. The next time America needs military forces overseas, the Guard will be there.

Unfortunately, when the Pentagon makes key decisions that impact the Guard, the Guard is still not there.

The need to empower the National Guard is not only still there but grows each day. We need to give the Guard more bureaucratic muscle, so that the force will not be continually pushed around in policy and budget debates within the Pentagon.

Time and time again, the National Guard has had to rely on the Congress, not its total force partners in the active duty, to provide and equip fully the resources it needs to fulfill its missions.

Our legislation will end this nonsense. We will put the National Guard on an equal footing with other decision makers responsible for national security and the transformation of the military forces.

As GEN Steve Blum, chief of the National Guard Bureau put it, they need to be ''in the huddle'' at the Pentagon if they are to be in the game. This will ensure that the next time the 430,000 National Guard citizen-soldiers and airmen of the Guard are discussed at the senior levels of the Pentagon, the Guard will be there.

Additionally, I remind my colleagues that the Fiscal Year 2007 Military Construction and Quality of Life Appropriations bill was not passed into law. As a result, approximately $17 billion in new construction and BRAC projects authorized by the Congress in 2007 cannot proceed.

The military service chiefs have urged the Congress to pass this legislation

The projects funded by the Fiscal Year 2007 MILCON bill are necessary to sustain readiness and quality of life for U.S. service personnel. I also ask that letter from the Navy and Army Secretaries and Service Chiefs that raise concern about the risk by operating under a continuing resolution be printed in the RECORD.

I ask unanimous consent that letters in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE NAVY, CHIEF OF NAVAL OPERATIONS, COMMANDANT OF THE MARINE CORPS,
Washington, DC, December 22, 2006.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We are seeking your assistance in lessening the severe burden placed on the Department of the Navy in the absence of a Military Construction, Quality of Life, and Veterans Affairs FY 2007 Appropriations bill, and to offer our continued support for expeditious passage of this important legislation.

Although the Continuing Resolution (CR) has provided some initial relief, a CR in its

current form of all of FY 2007 could severely impact Basic Allowance for Housing (BAH) and Base Realignment and Closure (BRAC) 05 accounts because funding has thus far been limited to the smaller programs requested and enacted in FY 2006 as compared to the larger programs requested in FY 2007. It poses particularly acute problems in the Family Housing Construction, Navy; Military Construction, Navy; and Military Construction Naval Reserve accounts because of the restriction on the award of ''new starts.''

BAH provides Sailors and Marines monthly cash payments for their housing costs. Facilities, Sustainment, Restoration and Modernization funds provide an immediate and visible improvement to quality of life in the workplace. Both of these accounts were moved from the Defense Bill to the Military Construction, Quality of Life, and Veterans Affairs for FY–07. It is important that the appropriations be made in the traditional accounts with normal flexibilities. If we are to manage under provisional levels for the full year, the Department must be able to address execution issues that inevitably will arise in these programs.

The CR is precluding our ability to provide modern, government owned or privatized quality housing to our Sailors, Marines and their families at a time when the Global War on Terror is placing enormous stress on our military and military families. The Department would be unable to complete a long standing Department of Defense goal to obligate funds needed to eliminate all inadequate housing by 2007. Specifically, we would have to postpone construction of 250 new homes at Naval Base Guam, and Marine Corps Logistics Base Barstow CA. We would also have to postpone housing privatization projects on over 8,000 homes at Navy and Marine Corps installations in California, Florida, Georgia, Hawaii, Massachusetts, Mississippi, North Carolina, South Carolina, and Texas.

If we are providing funding for ''new starts,'' we can also improve operational readiness with modernized facilities, reduce national security threats at our nuclear weapons facilities, and provide new training capabilities for our men and women in uniform. Without funding, the Department would be unable to award 44 ''new start'' military construction projects in 11 states and four overseas locations totaling $857 million. One example is the award of two $13 million military construction projects for Mobile User Objective System (MUOS) ground control and tracking stations—one in Hawaii and another in Sigonella, Italy. MUOS is a $6.5 billion narrowband UHF satellite communications capability vital to our joint war fighters. There are operational concerns as existing satellite communication systems are failing as they reach the end of their service life. Without these ground stations, planned launches of the MUOS satellites already funded will be delayed, and the Department faces additional costs for spacecraft and ground equipment storage, contractual and additional fees, and other related costs far greater than the cost of the construction.

With respect to BRAC 05, the CR can stymie our efforts to construct facilities and move equipment and people to receiver locations, and impede our ability to harvest savings and organizational efficiencies already accounted for in the budget. Delaying installation closures jeopardizes our ability to proceed with the many joint recommendations that require complex, sequential moves, all of which by statute must be accomplished by September 2011. The Department of the Navy's share of the Department of Defense BRAC account in FY 2007 is $690 million, compared to the FY 2006 enacted amount of $247 million. While the Office of Management and Budget has ruled that ''new starts,'' including BRAC construction, is not a concern in the BRAC 05 account, the current CR is limiting FY 2007 expenditures to the FY 2006 level. We will have to delay an estimated $382 million of BRAC construction and $61 million in civilian personnel moves, reductions, and hiring actions, primarily for BRAC actions in New Orleans, LA and southern California, until funding becomes available.

Prompt passage of an FY 2007 Military Construction, Quality of Life, and Veterans Affairs appropriations bill would resolve these difficulties. The appropriations bills endorsed by the full House and Senate differed little from the President's budget request for the Department of the Navy. Should an FY 2007 bill prove unattainable, we would ask that you expand the authority in the CR to allow funding to the lower of the FY 2007 House and Senate appropriation bills, and allow for ''new starts'' in military construction and family housing accounts, subject as always to requirements of the Authorization Act.

We appreciate your continued support for our country's Sailors, Marines and their families. We stand ready to respond to any questions or concerns that you may have.

Sincerely,

JAMES T. CONWAY,
General, U.S. Marine Corps.
MICHAEL G. MULLEN,
Admiral, U.S. Navy.
DONALD C. WINTER,
Secretary of the Navy.

DEPARTMENT OF THE ARMY,
Washington, DC, December 18, 2006.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Over the past several years, the Army has executed an aggressive and carefully integrated plan in support of our national security mission. Our plan provides for simultaneous organizing, manning, training, equipping, deploying and redeploying of units and Soldiers, as well as the required materiel. It also lays the foundation for retaining our position as the world's dominant land force, to include base consolidation, restationing of troops, and improvements essential to providing our Soldiers and their families the standard of living they deserve.

Miltariy construction and quality of life initiatives constitute large, crucial portions of this carefully synchronized plan. Yet, the limitations imposed by the Continuing Resolution (CR) are already causing our plan to fray, and it is likely to unravel completely should we go through the entire fiscal year under a CR. The potential negative effects on operational readiness cannot be overemphasized; the Army's ability to prosecute the Global War On Terrorism and to prepare for future conflicts would be severely hampered.

As an example, the Army's FY 2007 Military Construction Plan includes almost $400 million to support the Army Modular Force through construction of a battle command training center, vehicle maintenance facility, several brigade complex facilities, barracks and numerous child development centers. Our force rotation plan to Iraq and Afghanistan, as well as our overall readiness posture, relies on completing these conversions to the Army Modular Force on time. We have recruited and retained the Soldiers, purchased individual force protection equipment, repaired and replaced weapons, and established a training plan, but now we are faced with the real possibility of not having facilities ready for training, maintenance, communications and command activities. We will have Soldiers at Fort Campbell, Fort Drum, and Fort Stewart who are ready to fight, ready to lead and ready to defend this country, but won't have adequate places to train, work or sleep.

We will see similar situations in the Reserve Component. The Army National Guard will be without aviation support facilities, field maintenance shops and supply points. The Army Reserve will lack several reserve centers, training facilities and storage facilities. We will put at risk funding or land provided by the states for many of these projects. Citizens eager to serve this country will find a lack of updated facilities.

Base Realignment and Closure (BRAC) initiatives are quickly coming apart at the seams, as the Army will be limited to spending less than one-fourth of the amount needed to keep approved BRAC moves on schedule. Imbedded in BRAC is the movement of units from overseas back to the United States. Delaying BRAC means we won't meet our the 1st Armored Division from Germany to Fort Bliss and may hinder the establishment of two critically needed modular brigade combat teams. For every brigade combat team affected by these delays, thousands of Soldiers will lack facilities to train and work or, at best, will have only inadequate and outdated facilities.

In summary, the Army will experience unacceptable delays in constructing much needed facilities unless the Congress can pass a full Military Construction/Quality of Life Bill for FY 2007 by February or expand and enhance the next Continuing Resolution to permit the execution of all programs and projects requested in the FY 2007 President's Budget.

The Army's leadership is prepared to answer any questions you may have. We deeply appreciate your support of our men and women in uniform.

Sincerely,

PETER J. SCHOOMAKER,
General, United States Army,
Chief of Staff.
FRANCIS J. HARVEY,
Secretary of the Army.

Mr. BOND. Mr. President, one of the big questions that is being discussed today is what the President's plans are in Iraq and whether we should submit a resolution condemning the troop increases. I find it passing strange that many of the people pushing for a resolution to say we shouldn't send troops just adopted by a unanimous vote the confirmation of General Petraeus, who has said he believes he can do the job if he has the additional troops. He says the number is 21,000. Who are we to second-guess an experienced general who knows what the needs of his men and women in service are?

I have listened to many of the persuasive arguments on the other side about their concerns about the Iraq war. There are some who want to cut off completely our involvement—cut and run. They have an argument; they make a legitimate point. I hope we have a chance to vote on it because the intelligence community leaders from DNI to the military intelligence head to the CIA said cutting and running now would be a disaster resulting in chaos, in additional killing of Iraqi citizens, and giving the entire area over to al-Qaida and probably bringing in a region-wide conflict. So that is at

least a position that I understand how they take it, but I will fight very hard against it.

What I don't understand is the people who say they want to do several things: They want to see a change in policy in Iraq. They want to see more Iraqi responsibility. They want to change the rules of engagement so we can go after Shia death squads and there won't be any political restrictions on it. And they want to adopt the strategy of the Baker-Hamilton report. Many of these same people who are now urging the adoption of a resolution said we need to send more troops. Well, when you look at it, the President is sending some more troops for a new strategy which involves the Iraqi leadership, Prime Minister al-Maliki, the Shia, as well as the Sunni and Kurdish leaders. They are now fighting without limitations on the rules of engagement. Our additional forces will be there at the request of al-Maliki to help him stabilize the country. This is the last best chance. This is the chance to leave a stable Iraq which will not become a terrorist ground for al-Qaida.

Sunday, I had the opportunity to talk to Jim Baker, the lead name on the Baker-Hamilton report. I said: Jim, is the President's surge what you recommend militarily? He said yes. That is precisely what the Baker-Hamilton commission recommended. He also recommended additional diplomatic efforts. But in terms of the military effort, he said: This is what we recommended.

Now, how do we send troops over and then think maybe we can get some political cover back home by saying we don't really agree with it? I don't think that does anything of real significance. There are some things a resolution passed by this Congress expressing disapproval of the President's plan would do, and I think they are significant and serious.

No. 1, it would send a message to those we fight against—al-Qaida, the Baathists, Sunni insurgents—that we are not serious; we don't intend to support our men who are supporting the Iraqi military. It gives them cause to fight harder and stay longer.

No. 2, it sends a message to our friends whom Secretary Rice is trying to bring in to help rebuild the economy of Iraq and provide jobs for unemployed young Iraqis—essential if we want to win 80 percent of the battle against radical Islam, which is ideological. It would tell them: you probably better not put too much money on the Iraqis because the U.S. Congress is going to pull the plug and then it will descend into chaos and any dollars we invest will be gone.

Third, I would ask my colleagues to think about the message it sends to the troops who are there, to the troops who will be going there. They are over there fighting. They are risking their lives every day. They are willing to take on the fight because they believe it is an important fight. They believe it is a fight we can and we must win militarily. What message does it send to the families back home? I think you can guess what that answer is.

I saw a very interesting article in the Washington Post on Sunday. Robert Kagan at the Carnegie Endowment for International Peace, and a Transatlantic Fellow at the German Marshall Fund, has written a book. He said:

Grand Delusion: Politicians in Both Parties Act as if They Can Make the War Go Away Soon. It Won't.

He warns about all we are doing when we have laid out a plan and reinforcements for the Iraqi troops. He said:

Back in Washington, however, Democratic and Republican Members of Congress are looking for a different kind of political solution: The solution to their problems in presidential primaries and elections almost two years off. Resolutions disapproving the troop increase have proliferated on both sides of the aisle. Many of their proponents frankly, even proudly, admit they are responding to current public mood. Those who think they were elected sometimes to lead rather than to follow seem to be in the minority.

And he goes on to say that those who call for an end to the war don't want to talk about the fact that the war in Iraq and in the region will not end but will only grow more dangerous if and when we walk away.

As I said, our intelligence community leaders, in open testimony a couple of weeks ago before the Senate Intelligence Committee, said if we walk away, leaving Iraq without an army and a security force adequate to sustain general order, peace and order in that country, not only will innocent Iraqis be slaughtered, there will be an open invitation for others to come in. How long can the Shias oppress the Sunnis without having the Jordanians and the Saudis and maybe the Egyptians come in to support them? We have already heard they would do that, to protect the Sunnis. And if the Sunni supporters came in, it would take about a New York minute for Iran to come in on behalf of the Shia. What kind of conflagration would ensue? It would take a lot more American troops to protect our ally Israel and to try to stop the killing.

In addition, we know that al-Qaida would have a safe haven. And al-Qaida is not mad because we are in Iraq; they just want to win in Iraq. Muqtada al-Sadr, the No. 2 man, has been very eloquent, and he has been backed up by his boss, Osama bin Laden, who says: We have to win. Al-Qaida needs to restore chaos to Iraq so they will have a safe haven in which to operate, train their suicide bombers, their jihadists, develop means of command and control once again, perhaps get weapons of mass destruction. Well, that is what happens if we walk away and leave Iraq in chaos.

Back to Robert Kagan's piece:

Some people assume that if we can get the troops withdrawn, then it won't be a problem for all of our Senators running for President in 2008. Should any one of them win, they think by getting out of Iraq now, it won't be a problem.

Bob Kagan says that:

That is a delusion. Not only a democratic delusion, but some conservatives and Republicans have thrown up their hands. And they think that if we walk away, somehow the whole mess will simply solve itself and fade away.

He said:

Talk about a fantasy. The fact is the United States cannot escape the Iraq crisis or the Middle East crisis of which it is a part and will not be able to escape it for years. And if Iraq does collapse, it will not be the end of our problems, but the beginning of a new and much bigger set of problems.

Well, Mr. President, I think that sets it up very well. I hope our colleagues will think about that. I hope they will consider that when they are talking about passing a resolution. It sends the wrong message to the enemies, to our allies, and to our troops and their families at home.

This war radical Islam has declared on us is a generational war, as the President said. We best be laying plans to do our best to protect our country from repeated attacks such as September 11 by al-Qaida. That is at stake. By being in Iraq, by having good intelligence at home, we have been fortunate to avoid another September 11 attack. If al-Qaida had planned and regrouped, we would be much more likely to have another.

I ask unanimous consent a copy of the article by Mr. Kagan be printed in the RECORD after my remarks on Iraq.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 28, 2007]

GRAND DELUSION: POLITICIANS IN BOTH PARTIES ACT AS IF THEY CAN MAKE THE WAR GO AWAY SOON. IT WON'T.

(By Robert Kagan)

It's quite a juxtaposition. In Iraq, American soldiers are finally beginning the hard job of establishing a measure of peace, security and order in critical sections of Baghdad—the essential prerequisite for the lasting political solution everyone claims to want They've launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia. And they've embarked on these operations with the expectation that reinforcements will soon be on the way: the more than 20,000 troops President Bush has ordered to Iraq and the new commander he has appointed to fight the insurgency as it has not been fought since the war began.

Back in Washington, however, Democratic and Republican members of Congress are looking for a different kind of political solution: the solution to their problems in presidential primaries and elections almost two years off. Resolutions disapproving the troop increase have proliferated on both sides of the aisle. Many of their proponents frankly, even proudly, admit they are responding to the current public mood, as if that is what they were put in office to do. Those who think they were elected sometimes to lead rather than follow seem to be in a minority.

The most popular resolutions simply oppose the troop increase without offering much useful guidance on what to do instead, other than perhaps go back to the Baker-Hamilton commission's vague plan for a

gradual withdrawal. Sen. Hillary Clinton wants to cap the number of troops in Iraq at 137,500. No one explains why this is the right number, why it shouldn't be 20,000 troops lower or higher. But that's not really the point, is it?

Other critics claim that these are political cop-outs, which they are. These supposedly braver critics demand a cutoff of funds for the war and the start of a withdrawal within months. But they're not honest either, since they refuse to answer the most obvious and necessary questions: What do they propose the United States do when, as a result of withdrawal, Iraq explodes and ethnic cleansing on a truly horrific scale begins? What do they propose our response should be when the entire region becomes a war zone, when al-Qaeda and other terrorist organizations establish bases in Iraq from which to attack neighboring states as well as the United States? Even the Iraq Study Group acknowledged that these are likely consequences of precipitate withdrawal.

Those who call for an ''end to the war'' don't want to talk about the fact that the war in Iraq and in the region will not end but will only grow more dangerous. Do they recommend that we then do nothing, regardless of the consequences? Or are they willing to say publicly, right now, that they would favor sending U.S. troops back into Iraq to confront those new dangers? Answering those questions really would be honest and brave.

Of course, most of the discussion of Iraq isn't about Iraq at all. The war has become a political abstraction, a means of positioning oneself at home.

To the extent that people think about Iraq, many seem to believe it is a problem that can be made to go away. Once American forces depart, Iraq will no longer be our problem. Joseph Biden, one of the smartest foreign policy hands in the Senate, recently accused President Bush of sending more troops so that he could pass the Iraq war on to his successor. Biden must assume that if the president took his advice and canceled the troop increase, then somehow Iraq would no longer be a serious crisis when President Biden entered the White House in 2009.

This is a delusion, but it is by no means only a Democratic delusion. Many conservatives and Republicans, including erstwhile supporters of the war, have thrown up their hands in anger at the Iraqi people or the Iraqi government. They, too, seem to believe that if American troops leave, because Iraqis don't ''deserve'' our help, then somehow the whole mess will solve itself or simply fade away. Talk about a fantasy. The fact is, the United States cannot escape the Iraq crisis, or the Middle East crisis of which it is a part, and will not be able to escape it for years. And if Iraq does collapse, it will not be the end of our problems but the beginning of a new and much bigger set of problems.

I would think that anyone wanting to be president in January 2009 would be hoping and praying that the troop increase works. The United States will be dealing with Iraq one way or another in 2009, no matter what anyone says or does today. The only question is whether it is an Iraq that is salvageable or an Iraq sinking further into chaos and destruction and dragging America along with it.

A big part of the answer will come soon in the battle for Baghdad. Politicians in both parties should realize that success in this mission is in their interest, as well as the nation's. Here's a wild idea: Forget the political posturing, be responsible, and provide the moral and material support our forces need and expect. The next president will thank you.

Mr. BOND. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I start by telling the Senator from Missouri how much I appreciate his leadership on this issue. As the ranking member of the Senate Select Committee on Intelligence, he knows as well as anyone what is at stake in Iraq and in the global war on terror. I know his son, Sam, is a member of the Marine Corps and has served in Iraq. I believe he is either back or headed back here very soon, so this is a matter in which the Senator from Missouri has a personal investment, in addition to the larger investment all Americans have in making sure our security is protected to the extent possible. That is what it boils down to.

Some say we have to do this for the Iraqis. I suggest, as laudable as that is, we need to do this for us. What do I mean by ''this''? I mean what the Iraq Study Group—the bipartisan group created to look into the challenge of the conflict in Iraq—recommended. They pointed out quite clearly that it is in America's vital security interests to leave Iraq when we do. Of course, that is the goal we all share. We want to leave Iraq, but we must leave Iraq based on conditions where Iraq can sustain itself, defend itself, and govern itself.

It is bewildering to see a vote like we saw last Friday in the Senate where GEN David Petraeus, the new commander in Iraq, was confirmed unanimously by this Senate, yet there are those who say: Yes, we are going to confirm you, General, unanimously. We are going do say nice things about you and your talents and dedication and patriotism that you have demonstrated by your service, but the plan that you are the architect of, we are not going to support it. We are going to pass a sense-of-the-Senate resolution which, in his own words, undermines his ability to be successful in America's ability to protect its national security interests by leaving Iraq in a condition that it can sustain, govern, and defend itself, and which sends a wrong message to our enemies.

The consequences of failure in Iraq are best summed up by the Iraq Study Group on page 34. They said that a chaotic Iraq would provide a still stronger base of operations for terrorists who seek to act regionally or even globally. Al-Qaida will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region around the world.

It will surely be a failed state if we leave Iraq before conditions on the ground permit the Iraqis to govern, sustain, and defend themselves. It will likely lead to a failed state much as Afghanistan was after the Soviet Union was run out of Afghanistan in 1979.

What was that condition? We know all too well on September 11, 2001, when America was hit by al-Qaida on our own shores, that what happened in the interim between the time the Soviet Union left Afghanistan was a rise of the Taliban and al-Qaida, including Osama bin Laden, who was plotting and planning and training and then exporting terror attacks against the United States and against our allies.

It is entirely probable, in my opinion, that if we leave Iraq prematurely, before it can sustain, govern, and defend itself, Iraq will become another failed state like Afghanistan, another place where terrorists can train, recruit, and then export terrorist attacks against the United States and our allies.

It is also likely that if we leave Iraq prematurely, it would lead to a broader regional conflict, probably involving Syria, Iran, Saudi Arabia, and Turkey, and we may have to later return at a greater cost to our Nation.

This is another matter to which I don't think the people have paid enough attention: to leave Iraq prematurely would lead to massive human suffering. The other day, the Judiciary Committee had a hearing on Iraqi refugees. Of course, there are brave Iraqis who have worked alongside America and our allies to try to restore democracy to that country after Saddam's bloodthirsty reign. They are worried, as they should be, that if America pulls out, along with our coalition partners, before Iraq is able to sustain, govern, and defend itself, they will be slaughtered. It will be ethnic cleansing where Shia will kill Sunni. It will draw in, likely, the Sunni majority nations such as Saudi Arabia to defend the Sunnis against ethnic cleansing.

We are at a crossroads. The choices are not necessarily good ones, but they are the choices with which our Nation is confronted. We can either stay with the status quo which, frankly, I don't know anyone who believes the status quo is working or, No. 2, we can, as some have suggested, cut off funding for our troops and result in a precipitous withdrawal from Iraq or, No. 3, we can devise a new strategy in an effort to succeed where the current strategy has not in Iraq.

I believe the obvious choice is No. 3. If we are going to confirm a new Secretary of Defense, Robert Gates, as we have done; if we are going to confirm a new general leading coalition forces in Iraq, like David Petraeus, as we have done; if we are going to confirm a new commander of Central Command, Admiral Fallon, as I am confident we will do; we need to ask for their advice, get their advice, and, frankly, take their advice. I am afraid this has become far too political and not focused, as it should be, on a bipartisan basis, on what is in America's strategic and security self-interest.

The Washington Post summed it up in an editorial this way. They said legislators need a better way to act on their opposition to the current policy than passing a nonbinding resolution that may cover them politically but have no practical impact other than

perhaps the negative one suggested by the general—and they are talking about General Petreaus. What are the negative impacts? General Petreaus made that clear in the nomination hearings before the Senate Committee on Armed Services.

Senator MCCAIN asked:

Suppose we send you additional troops and we tell the troops, while we support you, we are convinced you cannot accomplish your mission, and we do not support the mission that we are sending you on. What effect does that have on the morale of the troops?

General Petraeus:

Well, it would not be a beneficial effect, sir.

Senator LIEBERMAN:

A Senate-passed resolution of disapproval for this new strategy in Iraq would give the enemy some encouragement, some feeling that well, some clear expression that the American people are divided?

General Petraeus:

That's correct, sir.

I understand as well as anybody the reservations that Members of the Senate have about the new plan. The question we all have is, Will it work? Obviously, there are no guarantees. However, I know there is one sure plan for failure that will embolden our enemies, undermine our allies, and demoralize our troops, and that is to pass a resolution of no confidence in the only plan that has now been proposed for a new way forward in Iraq: working with the Iraqi Government, Prime Minister Maliki, making it clear there are benchmarks they need to meet; that it is their country, and they need to take the lead. We will support them. We will help stiffen their spine, particularly when it comes to preventing sectarian violence and taking on the militias which have ruled the streets in so much of Iraq. But this is the only chance and the only alternative that has been offered by anyone, so far, as to the way forward.

I make an appeal to our colleagues on the Democratic side of the aisle. On November 7, we had an election. As a result of that election, Democrats no longer were a minority party but became the majority in the Congress, both in the House and in the Senate. While I understand that as a minority party frequently we do not have the opportunity to set the agenda or to provide the leadership and are left with criticizing what the majority party does, my hope would be that the new majority would rise to the occasion, would set partisanship aside as much as possible, particularly with regard to our national security interests, would not focus on the 2008 election or worry about individual political outcomes. My hope is the new majority would use this as an opportunity to work with the new minority to send a vote of confidence and to provide a plan, support for the plan that has been drafted by General Petraeus and supported by all our military leadership for the possibility of a successful way forward in Iraq.

Frankly, for our friends on the other side of the aisle to merely criticize and offer resolutions of no confidence that are not binding is not an act of encouragement. It is not an act of patriotism but, unfortunately, as General Petraeus said, it will undermine our troops' morale and embolden our enemies. We all owe it to the troops who have risked their lives, to the families who have paid the ultimate sacrifice in defense of freedom and to protect our security, to do our very best to work together to try to support a way forward in Iraq which has the best chance of success.

My hope is, in the coming days, through this debate, we will agree to do that, and we will avoid making political statements that have no binding effect and which serve only to embolden our enemies and undermine our friends.

I see the distinguished Senator from Arizona on the floor of the Senate, and I yield to him.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I join my colleague, the Senator from Texas, in urging the Senate to think very carefully about passing what appears to be a nonbinding resolution, but what, in fact, has dramatic consequences.

It is true that a nonbinding resolution would not change the policy of the President; he is the Commander in Chief. He has decided on a new strategy after consultation with a lot of people, and that new strategy is now being implemented in Iraq as we speak.

The Senate, last Friday, confirmed GEN David Petraeus to carry out that policy. By the way, it seems quite incongruous we would, on the one hand, confirm General Petraeus, pat him on the back, and say: Go do the mission in Iraq—by the way, we disagree with the mission. That is one of the bad messages that is sent.

I would like to talk a little bit more about the sending of messages with the nonbinding resolutions. That is obviously what the proponents of the resolutions would like to do. They have talked about sending a message. Mostly they are trying to send a message to the President. Of course, any Senator who wants to talk to the President has that capability. We do not need to send messages to the President publicly in areas that cause harm. We should think about the consequences of such a message to our enemies, to our allies, and most especially to the troops that we send in harm's way.

Think for a moment about the consequences of a message that says that we disagree with the President's strategy, we disagree with the mission, and we don't believe that any more troops should be involved or that the United States should remain in Iraq beyond a very limited period of time. The message that sends to our enemies is a devastating one.

As General Petraeus testified before the Senate Committee on Armed Services, war is about breaking the will of your opponent. He feared the consequences of such a resolution which he said would not be helpful because it would send a signal to our enemies that we don't have the support in the United States Government necessary to break the will of the opponent.

These terrorists well understand this is a contest of wills. Can they outlast us? Osama bin Laden thinks we are the ''weak horse,'' as he puts it, and he is the ''strong horse''; that we left Vietnam, that we left Lebanon, that we left Somalia, and we will leave Iraq before the job is done as well. And he believes that. So there is a test of wills going on. And if the enemies come to believe they can outlast us, that their will is stronger than ours, then it is very difficult to defeat them in this war against terrorism.

The message it sends to our allies is we are not necessarily a reliable ally. Certainly, to people in the neighborhood—the people in Afghanistan, in Pakistan, and elsewhere—you can imagine they would quickly begin to hedge their bets because of the neighborhood in which they live. If we are going to leave, and they have to continue to live with these bad actors, then, as before September 11, you will see them begin to hedge their bets and provide support for, in one way or another, terrorists who live in that neighborhood. That is against the national security interest of the United States.

The message that is sent to our troops is perhaps the most devastating because it says: We have sent you on a mission, and yet we do not believe in the mission. We are putting you in harm's way. You may, in fact, die trying to complete your mission, but it is not a mission that we believe in.

Think about the message that sends to the troops and to the families.

Very interestingly, last Friday, ''NBC Nightly News'' had an interview with three soldiers from Iraq talking about this very point. It was in the Brian Williams newscast. He called on Richard Engel, reporting from Baghdad, who had interviewed these three soldiers. I think what they had to say should instruct us. He talked about the new mission they were on, and he said:

It's not just the new mission the soldiers are adjusting to. They have something else on their minds:

This is David Engel, the reporter, speaking—

the growing debate at home about the war. Troops here say they are increasingly frustrated by American criticism of the war. Many take it personally, believing it is also criticism of what they've been fighting for. Twenty-one-year-old Specialist Tyler Johnson is on his first tour in Iraq. He thinks skeptics should come over and see what it's like firsthand before criticizing.

Then, this is what SPC Tyler Johnson said:

Those people are dying. You know what I'm saying? You may support—''Oh, we support the troops,'' but you're not supporting what they do, what they share and sweat for, what they believe for, what we die for. It just don't make sense to me.

Engel then said:

Staff Sergeant Manuel Sahagun has served in Afghanistan and is now in his second tour in Iraq. He says people back home can't have it both ways.

Then SSG Manuel Sahagun said:

One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Finally, Engel said:

Specialist Peter Manna thinks people have forgotten the toll the war has taken.

SPC Peter Manna said:

If they don't think we're doing a good job, everything that we've done here is all in vain.

Engel closed his report saying:

Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

That is the message we send to our troops: that they may be dying in vain, that they may be putting their life on the line in vain because we do not support the mission we put them in harm's way to accomplish. That is a devastating blow to morale.

Just imagine what you would do if you were the parent or the spouse of one of those soldiers who got killed and came to believe the mission we had sent them on was no longer a mission that we supported, and yet we continue to keep them in harm's way.

My view is, if you think this war is lost or that we cannot win it, that you have the courage of your convictions and vote to cut off the funds and bring the folks home right now before any more die. But if you believe, as the President does, that we must not leave Iraq a failed state, that there is still an opportunity there to succeed, and that his plan deserves a chance to succeed, then we should not support resolutions that send a different message.

That is why I want to urge my colleagues to think very carefully before supporting any of these resolutions which may be nonbinding on the President but, nevertheless, have severe consequences to our enemies, to our allies, and to the troops we put into harm's way. This is serious business we are about. We need to consider it seriously and not undercut the troops we put in harm's way.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TESTER). The time for morning business has expired.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees' health benefit expenses.

Chambliss amendment No. 118 (to amendment No. 100), to provide minimum wage rates for agricultural workers.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Durbin amendment No. 221 (to amendment No. 157), to change the enactment date.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. shall be equally divided between the two leaders or their designees, with the time from 11:55 to 12:05 under the control of the minority leader, and the time from 12:05 to 12:15 under the control of the majority leader.

The Senator from Ohio.

Mr. BROWN. Mr. President, I yield myself 5 minutes to speak on the minimum wage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, a little more than 2 years ago, Rev. Jim Wallis and Rev. Bob Griswold—who was then-head of the Episcopal Church—presented to Congress a document that

proved to be both prophetic and practical.

The basic tenets were that budgets are moral documents—these are coming from two people of faith, religious leaders in our country—and our values are represented by how we craft those documents.

The same can be said for legislation, and the same values represented in the fight, for example, to raise the minimum wage.

As wages have stagnated in States such as Ohio, CEO salaries have skyrocketed. And while Congress voted time and again to raise its own pay—six times in the 10 years since the minimum wage has been raised—it left behind millions of Americans who work hard, who play by the rules, and who too often have so little to show for their hard work.

In my home State of Ohio, voters in November echoed the national cry for social and economic justice by voting in favor of a ballot initiative to raise our State's minimum wage.

In 1963, Dr. Martin Luther King said:

> Equality means dignity. And dignity means a job and a paycheck that lasts through the week.

It is unacceptable that someone can work full time—and work hard—and not be able to lift her family out of poverty or even pay her bills. For too long Government priorities rewarded a system that allowed a minimum wage worker to earn less than $11,000 a year. Yet some CEOs in our great country make more than $11,000 an hour.

Those who vote against the minimum wage this week—those who have blocked a minimum wage increase in the House of Representatives and in this Senate for a decade—are saying to minimum wage workers such as the single mother working as a chambermaid in Cleveland and a farm worker outside Toledo and a janitor in Zanesville that they do not deserve a fraction—not a fraction—of what we get.

While the cost of living has gone up, the investment in workers has slowly declined. Family budgets are strained because of stagnant wages but pushed to the breaking point when you factor in soaring tuition costs, health care costs, and energy costs.

Yet while wages have stayed stagnant or gone down, worker productivity in this country, as Senator KENNEDY showed a moment ago, continues to go up. Those workers are not sharing in the wealth they are creating for their employers. It is time Congress stood on the side of the working men and women in this country.

This issue is not just about workers. Raising the minimum wage affects entire families and communities. In my State, the minimum wage increase will mean an increase for 500,000 wage earners, with 200,000 children living in those homes.

When workers earn a livable wage—and especially if we can expand the earned-income tax credit, a tax break for those workers—those families, who are working hard and playing by the rules, will spend that money locally, which supports small business and helps strengthen the community.

When workers earn a livable wage, stress and burdens that often cripple families struggling to survive are eased.

When workers earn a livable wage, they are more productive at work, which means thriving companies that can compete in the global economy.

Raising the minimum wage means so much more than a few extra dollars on Friday. It means a path out of poverty.

Raising the minimum wage is an affirmation that this Congress—finally—values American workers. It is about the right family values, and it is about time.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to speak in support of the motion to invoke cloture on the Baucus substitute to H.R. 2. At about the noon hour today, we will be voting to end the debate on the minimum wage bill. Regardless of how that vote turns out, I believe the direction this body has decided upon with regard to minimum wage is clear. And I appreciate it. The direction the Senate has taken is that raising the minimum wage without providing relief for small businesses would be wrong. And now we have a cloture vote on a bill that includes relief for small businesses, which will soften the impact that the minimum wage increase will have on small businesses.

We are trying to keep working families working. The people who run these small businesses are working families, too. They are taking a lot of risk and providing a lot of jobs. In fact, they are the engine that drives the United States. The big companies would like us to think they are. But small businesses create a lot of jobs.

Now, primarily, the jobs we are talking about are for people just entering the labor market, the ones often who dropped out of school, who have very low employment skills. Those small businesses teach them some skills and move them on up to the path of employment. They are a huge part of the job training system in this country and they rarely get any credit for job training.

We have had debate over the last week—and it has just been one week. I would like to point out that on Monday we did not have any votes. On Tuesday we were only allowed two votes. Through the whole week we only had 11 votes. We were not allowed any votes after Thursday, which included all of Friday and all of yesterday. That is really not an open process. That is only three days of voting on amendments.

When we began this session, we talked about having an open process, a very bipartisan process of doing things. I am not sure we got the message from the last election, which was that the American people want us to do these things, but they want us to do them in a bipartisan way. I am hearing some rhetoric on the Senate floor about the Republicans want to do this; and the Democrats want to do that.

What we need to talk about is what we need to do for America. We need to work together on these things. Right now we have a proposal for cloture that includes what both sides have been talking about, that takes care of the minimum wage worker and takes care of the businesses that employ them and gives them the training.

We in the Senate recognize that small businesses have been the steady engine for growing the economy and that they have been the source of new job creation. America's working families rely on small businesses, and small businesses rely on working families.

So I am proud this body has chosen a path that attempts to preserve this segment of the economy which employs so many working men and women. The Senate has recognized that our economy is interdependent. One simply cannot claim credit to be helping workers at the same time they are hurting the businesses that employ them. Recognition of this simple fact is the reason the bill before this body couples a raise in the minimum wage with relief to those businesses and working families that will face the most difficulty in meeting that mandate.

This body has also recognized the even simpler fact that raising the minimum wage is of no benefit to a worker without a job or a job seeker without a prospect.

I take this occasion to urge that these simple, real world truths be recognized by our colleagues in the other Chamber. I have gone through this process before on a number of bills and tried to figure out how it happens. A lot of time there is more animosity between the two Houses than there is between the two parties that serve in those Houses.

I know making any change to the minimum wage bill they sent over will upset them on that end, just as any change they make to a bill on their end upsets us. We send them perfect bills and they have to fiddle with it, and they send us perfect bills and we fiddle with it. There is some animosity between the two Chambers. And then we have to get into the rules as well. All tax measures have to start in the House. That is fine as long as they start them. But there has to be a way to get the process moving.

This bill has a way to get that process moving. It is more cumbersome than it probably ought to be, but I think with cooperation it will work, and I think the House will join us in this effort. It isn't as easy as just taking a small piece of something that affects the economy and doing it in isolation. When we start going to the broader economy, it gets more complicated.

That is why our forefathers designed this great system of cumbersome Government. We have 100 people with 100

views—I don't know, maybe we have 100 people with 200 views, and the House has 435 people with at least an equal number of views. The beauty of our system is that it has to get through this maze of all of these people with different backgrounds and different ideas and different ways of seeing the world, which results in amendments which result usually in things getting better.

It is often complicated, and that slows the process down. That is something we have to work through, but I think any mechanism we have that speeds things up usually results in us winding up with legislation we have to go back and correct. It is a tough system, a long system, but it works.

Unquestionably, as this Congress moves forward, we will need to confront a range of issues facing working families. We have to face the rising cost of health insurance and the availability of that insurance, the necessity and costs of education and job training, and the desire to achieve an appropriate balance between work and family life.

These are important issues, and the way this body has determined to address the minimum wage should give us an outline as to the way such other issues could be approached as well. We need to listen to each other and include those issues that make a difference without upsetting the whole world. It can be done. It has been done.

Senator GRASSLEY and Senator BAUCUS work together on legislation. They are the ones who put together this tax package. They said: No, this isn't exactly what I like or you like, but it is something we can like together, and it has a chance of passing this body.

I have been pleased that there hasn't been a rage against the tax package they put together, just as there hasn't been a rage against raising the minimum wage. We appear to have two points on which there is agreement. I think that will be reflected later in today's vote, too.

There are other issues. Those other issues have been reflected in amendments from our side. There have been a few, contrary to what has been said on the floor, amendments from the other side as well. When we were in the majority, we didn't put in nearly as many amendments on bills as the Democrats did, and I recognize why offering amendments is important. It is important because we have issues we think are important, and the only chance you have to have them passed on the floor is to put them in a bill as an amendment, if you are in the minority.

So on our side, we will likely offer more amendments to the bills that come up this year than those who got to draft the bill to begin with. They are ideas we want to have considered. We hope they will be considered in a reasonable way and in a reasonable amount of time.

I will be emphasizing to our side the need to keep those reasonable and to keep them within a reasonable timeframe. If we do that, we can progress through a lot of issues, such as the ones I mentioned.

The rising cost and availability of health insurance in this country is at a crisis and we have to do something about it. There are a number of plans that are floating out there, and all of them—all of them—have some good points to them. None of them is perfect. That bill will have to go through the Health, Education, Labor and Pensions Committee. It probably will. There are ways it can be written, I suppose, where it can be sent through the Judiciary Committee or sent through the Finance Committee. But usually that bill goes through the Health, Education, Labor and Pensions Committee.

The chairman of the committee and I as ranking member of that committee—and it doesn't matter what session of Congress we are talking about or what decade of Congress you are talking about—the chairman and the ranking member in that committee often have a huge disparity of views on how to solve the health, education, labor, and pensions issues.

We adopted 2 years ago a little rule that I found to be very useful when I was in the Wyoming legislature, and that is the 80–20 rule. That is, people agree on 80 percent of the issues and 80 percent of any issue. This isn't just a philosophy for Congress, this is a philosophy for one's daily life. If you are working with other people, you will probably find you will agree on 80 percent of whatever you are talking about. On any particular issue, you usually agree on 80 percent of that issue. If you concentrate on the 80 percent of agreement, there are a lot of possibilities for getting things done. If you concentrate on the 20 percent on which you don't agree, there is very little likelihood that you are going to progress on whatever it is you are talking about.

That is something we have instituted in this committee, and I think that rule has moved it from the most contentious committee to the most productive committee. I don't know if people noticed during the last session of Congress, there were 35 bills brought out of that committee. We got 25 of them considered in the Senate and even helped the House to get 2 of theirs through. So we helped to get 27 bills signed by the President. That is at least 20 more than usual for any committee and probably about 24 more than usual for any committee.

There are disadvantages to that. The press likes a good fight, and the press is more than willing to report on a good fight. We didn't have fights on those 27 bills that were signed. The most contentious one was the pension bill. The pension bill was 980 pages. It covers how to save people's pensions, how to make sure when they retire they will get what they have been promised, what they deserve, what they want, something that will give them quality of life in retirement. We made the most significant change in pension law in 30 years.

I remember that we had an agreement before we ever brought it to the floor that there would be 1 hour of debate, two amendments, and the final vote. I went to the Parliamentarian at that time and explained what we were doing and made sure it was getting written up properly so we could do that the moment we began the debate.

I asked: When is the last time that complicated of a bill had that kind of an agreement?

The words I heard back were: Not in my lifetime.

So it is possible to take difficult bills and arrive at agreement that will move the people's business forward.

The unfortunate thing for the people of America is that when they are watching us on this floor, what they usually get to see is the 20 percent with which we disagree, the 20 percent we are not going to give in on, the 20 percent that defines us.

I will be urging my side, and I have said it several times, there are issues that define us, but every issue is not an issue that defines us. We will probably be trying to figure out a way on every bill to make it a defining bill. With the amendments we have done on this bill, there has been some defining. But we have an opportunity today—I think it is going to happen at 12:15 p.m.—to invoke cloture on the package that includes what was asked for by this side and delivered by the other side.

That is pretty landmark. That is pretty good. We do have the other business that needs to get done. It doesn't have to be done on this bill. Maybe in the meantime there are some issues we can work on—the issues we talked about in some of these amendments—where we can reach that 80 percent agreement and we can move on with those issues.

In addressing the minimum wage, we have rejected the notion that it will be a clean bill. Ultimately, we did so because it is not a clean issue. By that, I mean neither the real world nor questions of national economics nor social policy are as simple as we would like them to be. Quite the contrary. They are complex and they are interrelated. While pretending that economic or social issues are simple, it often makes for great rhetoric here, and it makes for great politics, but it seldom makes responsible policy. Around here, clean more often than not simply means ''do it my way'' and does not respect the democratic process and allow the Senate to work its will.

I am pleased we rejected such false simplicity and chose the course of coupling an increased wage with provisions that will assist these small business employers who will be facing the greatest difficulties in paying these increased costs.

I hope we do not forget the wisdom of this approach as we address other workplace, economic, and social issues.

None of these are simple and none, no matter how laudable the end, are without costs or free from the danger of unintended consequences where, in an effort to do some good, we wind up causing great harm.

I am also heartened that in the course of this debate, this body has begun to recognize what I know from my life to be true. Working families are not only those who are employed by businesses, they are also those who own the businesses.

I have noted many times that I was a small business owner, that my wife and I operated mom-and-pop shoe stores in Wyoming and Montana. My story is not unique, particularly in today's economy. I know all small business owners have two families: their own and the families of those who work for them. I also know that business owners feel the pressure of rising costs, the dilemma of difficult options, and the uncomfortable squeeze of modern life in both of their families as much as many workers do on their own.

One will find that small business people are more connected to their workers. They work with them shoulder to shoulder on a daily basis. They know what is happening in their lives. I believe we have begun to realize this reality in the way we approach the minimum wage legislation. I do not think we should lose sight of it as it moves through this Congress.

I also note that while I am pleased with the overall approach this body adopted, I am somewhat disappointed that it was not as complete as it could have been. In the event cloture is invoked, we would not have addressed a range of issues that were offered as early amendments and should have been considered and voted on. In this respect, I mention again those I mentioned late last week: Senator GREGG's amendment on employee option time, something we allow Federal sector employees to do; Senator DEMINT's amendment dealing with the same matter, as well as Senator BURR's amendment on health insurance costs; and Senator VITTER's amendment that would have provided measured monetary relief for small businesses that make inadvertent paperwork errors in providing Government-required information—first-time basis, corrected, no impact to the employee.

All of these were well reasoned, would have provided benefits in addition to or in counterbalance to a minimum wage hike, and all were entitled to due consideration and a vote in this Chamber. We were not allowed to have a vote. Many have charged the majority denied us a vote on these amendments because they would have been adopted and that would have somehow represented a win for Republicans. Therefore, goes the theory, voting on these amendments was prevented.

Whether true or not, the lack of a vote on these amendments does nothing to lend credence to the view that Congress's partisanship too often trumps positive progress. The reality is good ideas do not simply fade away, and that if not here and now, then at some point in this Congress these and other good ideas must be given consideration and must be voted on. Fairness demands it, and our responsibility to working families and small businesses requires it.

A vote for cloture is a vote for small business and working families. It is a vote for a well-balanced and bipartisan solution. I am pleased that we are at this point. I will ask my colleagues to vote for cloture.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. ENZI. I yield the remainder of the time to the Senator from South Carolina.

Mr. DEMINT. There is 5 minutes left?

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BROWN. Mr. President, how much time is left on the majority side?

The PRESIDING OFFICER. There is 20 minutes 48 seconds remaining.

Mr. DEMINT. Mr. President, I intend to vote against the bill before us today because it really does not do anything to help low wage workers in this country in supporting families, buying health care, or giving them the flexibility they need to deal with family issues as well as hold a full-time job. I have consistently opposed a Federal wage mandate because I believe it is bad policy that hurts the very people we are trying to help with this bill. Despite that, I have sought to engage in constructive debate on this bill and offer amendments that would make it better. Unfortunately, over the course of this discussion, I have been forced to conclude that this whole debate is—let's just say less than honest. What we are talking about here in the Senate is not really about helping low-income workers; this is about mandating a starting wage, not a minimum wage, in a select group of States. This is a mandated starting wage because the facts show that two-thirds of minimum wage workers earn a raise within a year. We also know that most of these are working for restaurants and small businesses, and most of them are teenagers or young folks working part time.

The Democratic proposal before us targets certain States disproportionately while leaving many other States completely or relatively unaffected. If passed, my home State of South Carolina would be subjected to a 41-percent increase in the Federal mandate and the inevitable job loss that will come with this. However, States such as California, Vermont, Massachusetts, Oregon, and others would not be required to raise their minimum wage at all. This is because 28 States plus the District of Columbia have passed laws raising their minimum wage above the federally mandated $5.15 per hour. Some of those States, such as the ones I just mentioned, have gone well beyond the $7.25 which this Federal mandate will implement.

If we are to have a minimum wage at all, it is better to have a Federalist system of government and individual States could continue to set their own minimum wage levels, rather than the Federal Government. After all, different States have very different economies as well as very different costs of living. We know that a dollar will go a lot further in San Antonio than in San Francisco, and we need to recognize that. Mr. President, $7.25 in San Francisco is not a bit of help, but in another State that is a lot more money.

To that effect, I have offered an amendment to the current proposal that would have raised the minimum wage $2.10 in every State across this land. Had my amendment been adopted, this bill would have at least been more fair in the way it imposed its unfunded mandate. Ironically, the motion to strike my amendment was based on the fact that it was an unfunded Federal mandate, which is precisely what the underlying bill is at this point.

We have tried to add some other provisions. There is some tax relief for small businesses that mostly hire minimum wage workers, but we have not gone nearly far enough.

I heard my dear colleague from Massachusetts oppose very vocally any tax relief for small businesses that will bear the brunt of an increased minimum wage. I think it is just important to point out what we are trying to do. This is a chart which compares the amount of, what some of us would call porkbarrel spending for what we call the Boston Big Dig. The Federal Government's part of bailing this out is $8.5 billion. What we are asking for, for thousands of businesses and millions of low wage workers across this country, is tax relief of less than that, that would help people keep more workers and be more profitable.

I understand I am running out of time. I hope this whole debate about helping low wage workers would include those areas which will really help people who are working full time at $8, $10, $12 an hour and having a difficult time getting by: If we could make that health care more accessible and more affordable; if we could do for them what we do for Federal Government workers and give them flexibility so if they need an afternoon off to drive on a field trip one day on one week, they can work an extra 4 or 5 hours the next week to make it up, then they call it even—there is no overtime, there is no penalty. Government workers get it, but we will not give that same benefit to workers all across this country.

I am going to vote against cloture on this bill because cloture is designed to cut off debate. Many of the amendments that would help low wage workers are being eliminated. What it comes down to is just an unfunded mandate on several States, leaving out others.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 20 minutes 40 seconds.

Mr. KENNEDY. Then I believe the leader's time has been reserved?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

Mr. President, just to put this whole issue in some perspective, I thought I would just take a minute or two to refresh both this body and those who are interested in this issue about increasing the minimum wage from $5.15 to $7.25 an hour, about what has happened to workers and what has happened, basically, to the middle class over the period of the last years.

Looking at this chart here, from 1947 to 1973, this is when the country was moving along together. This shows the different incomes. It divides the incomes of Americans into five different—effectively buckets: the lowest 20 percent, the second 20 percent, the middle 20 percent, the fourth 20 percent, and the top.

If you look at this for a period of 26 years, you will see that all America grew together. The economy worked for all Americans. As a matter of fact, it worked a little bit better for those with the lowest income, but the economy worked for all America. During that period of time, we had Republicans and Democrats alike who voted for the increase in the minimum wage as we increased in productivity. America went along together.

What has happened in the last several years, from 2001 to 2004? Here we have the lowest 20 percent. This represents the low-income groups, the minimum wage workers, then the second, third, middle, fourth, and the highest 20 percent is the gray area, and the top 1 percent is demonstrated by the red area. See what has happened to the country, how we have grown further and further apart—the explosion in wealth for the very top and the collapse of the American promise at the very lowest; the cutting out of millions of Americans from the hopes and the dreams and the idea of a fair and just America.

Those are the statistics. Those are the facts. We had a minimum wage which reflected that progress for 26 years when America grew together. We have now had 10 years of no growth in the minimum wage, and we see America growing further apart. We have a chance to do something about it this noontime. I am hopeful that we will.

As I mentioned earlier, I don't know why it is our friends on the other side have really such a contemptuous attitude about low-income working people. They eliminated the overtime program for 6 million Americans last year—6 million Americans who otherwise would have gotten an increase in the minimum wage. They eliminated that. When we had the crisis down in New Orleans, one of the first things the administration did was eliminate what they call the Davis-Bacon program, which is to provide wages that will be pegged to what the average wage is in that particular region, where construction workers average $29,000 a year. What in the world is wrong with someone making $29,000 a year so that you want to reduce their pay while they are working for the recovery from Katrina? But oh, no, they eliminated that kind of protection. Just as they cut back on the unemployment compensation for workers who were coming out of Katrina, and after the National Academy of Sciences said that with what is happening in the poultry business and the meat-cutting business, with computers, we need to do something primarily about women in the workplace on the issues of ergonomics—no way. No way we are going to look out after workers.

It is difficult for me to understand. What is it about it? What really gets our Republican friends that they just can't stand hard-working people? We will hear a lot of comments and lectures about, let's make work pay, that work paying is a real value. I hope we don't hear that lecture anymore around here from that side. I hope we are not going to hear anymore talk of values about it. The leaders of the great religions are in strong support. I have put those comments into the RECORD. They are in strong support of this. They believe it is a moral issue, to follow the admonition of Saint Matthew: What you do to the least of these, you do unto me. Talk about poverty. Talk about the poor.

This is just about a wage, the minimum wage. But it is about a just wage. What is it about that?

I see my friend from Ohio on the Senate floor. I know he has been interested in and has spoken about the issues of minimum wage and also about what has been happening in the middle class. I am glad to entertain any questions he might have or yield for any comment that he might wish to make.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the Senator from Massachusetts. I appreciate especially his discussion about honoring work in this country. We hear talk of family values. We hear talk of honoring people who work hard and play by the rules. Yet, as the Senator recounted, the minimum wage hasn't been increased for 10 years. There has been almost a hostility to workers in this body and down the hall in the House of Representatives, where 6 million workers, as Senator KENNEDY pointed out, have lost their overtime or have had their overtime limited. There were attempts to cut the prevailing wage in Louisiana when the average wage of workers in Louisiana in the building trades was only $29,000.

When you look at the charts Senator KENNEDY pointed out, you see there is an absolute stagnation or decline in wages in the last 5 years for most Americans—for the 80 percent lowest paid Americans, if you will. But the top 20 percent have seen their wages, their salaries, just skyrocket. That is coupled with the fact that 1 percent, the wealthiest 1 percent of the people in this country possess more of the wealth of this country than the 90 percent lowest of the rest of us.

Mr. KENNEDY. Will the Senator yield on that issue?

Mr. BROWN. I will be happy to yield.

Mr. KENNEDY. The Senator understands. I have listened to him speak very eloquently in his maiden speech about what has happened in the middle class of America. The Senator understands that when we saw productivity increase in the 1960s and 1970s, all during this period when there was economic growth, we all went up together. The rising tide raised all the boats across the country. Then look at what happened. Productivity went up, and the real minimum wage went down.

Does the Senator not share the belief with me that if workers are going to work hard and produce—we have the labor force that is the hardest working labor force in the industrial world. It works longer, harder, and has had the greatest increase in productivity. Does the Senator not agree with me that at least some of that increase in productivity should have been passed on to working families?

Mr. BROWN. Absolutely. The real strength of our middle-class economy over the years, the opportunity through education, through hard work that has built a very prosperous country, really has operated under the assumption that if you are more productive, you share in the wealth you create—whether you are a minimum wage worker, whether you are an engineer, whether you are a schoolteacher—whoever you are. You are adding to the wealth of your employer, the wealth of our country, making our country better off. Clearly, when you talk about a higher minimum wage, when the minimum wage has declined and wages have declined overall, these workers are creating wealth for their employer, but simply are not sharing in that wealth. That is why one of the best selling books out there now is a book called ''War Against The Middle Class.''

As Senator KENNEDY has said, it is clear that as productivity has gone up, as workers are working harder than ever before, only a relatively small number of people are sharing in the wealth they create or sharing in the productivity gains that have always marked the success of our country and of our economy.

Mr. KENNEDY. Mr. President, can I ask the Senator another question. This good Senator was in the House of Representatives last year when the administration limited overtime pay for six million workers, and tens of thousands in my State of Massachusetts—tens of thousands. Close to 60,000 or 70,000

workers lost overtime pay. Overtime pay—if you are going to work more than 40 hours a week, you should be paid overtime. The administration eliminated that overtime pay for workers. They cut back on the protections of Davis-Bacon in the gulf and the recovery of the gulf. The workers down there who were unemployed, they ended the unemployment compensation for those workers who were otherwise eligible for it. This is unemployment compensation.

We want to remind everyone that the workers contribute to the unemployment compensation fund. They contribute as workers. If you don't contribute, you don't get unemployment compensation. So these are workers who have contributed to the fund. The fund was in surplus at that time. These are workers who have worked hard and couldn't find the jobs down there, and the administration cut back on those protections, cut back on the ergonomic protections. Even before the Sago mines, we find out they cut back in the mine safety and on safety officials. What is it? What is it, if the Senator from Ohio can help me.

I know about the great loss of jobs because of the support for tax incentives that sent jobs overseas and the failure to try and turn off that spigot. That means something for the middle-class workers. So if you add all of those together—we will find a chance now at 12 o'clock—if you add all of these together, we find the hostility—I call it hostility, not indifference—but hostility to workers, and I have difficulty understanding that.

Maybe the Senator could help me understand what has happened in his State that has been so adversely impacted, closing some of those provisions that affected impacted workers in the trade program.

Mr. BROWN. Absolutely. One of our friends from the other side of the aisle said this whole idea of raising the minimum wage is a less than honest effort to help working families. I am nonplussed by that.

Senator KENNEDY uses the term ''hostility'' toward workers. We are seeing more productivity and lower wages, except higher salaries for a relatively small number of people. That is not the American way. It is not the way we were taught in this country to honor work. It is not the way we were taught—to work hard and play by the rules.

Then, on top of that, we are now building more and more tax systems that give the greatest tax benefits to the wealthiest, that 20 percent squeezed out of that 1 percent who are absolutely doing the best, and we do no significant tax relief for working families, no significant tax relief for minimum wage workers. We are not willing to address the earned income tax credit, we are not willing to address helping those middle-class workers who are playing by the rules.

Mr. KENNEDY. Mr. President, if the Senator would yield for one more question, I appreciate him mentioning the earned income tax credit, because that can make a difference for families of three or more. They benefit with the earned income tax credit more than the minimum wage. If it is only an individual worker, an individual with a single child, they will benefit more with the increase. But the Senator is right, we ought to be trying to look at these issues in some harmony. But we don't hear any voices on that side to say: OK, Senator, if you want an increase in the minimum wage, we will give an increase in the earned income tax benefit. We will sit down and work something out. We don't hear any of that.

I want to draw to the attention of the Senator the fact that it has been 10 years since we have had an increase in the minimum wage, and over that period of time we have provided $276 billion in tax breaks for corporations, $36 billion in tax breaks for small businesses. We hear around here on the floor: Well, we haven't given the businesses enough and we have to put some more tax breaks on here in order to get an increase in the minimum wage.

Does the Senator buy that argument?

Mr. BROWN. No, I don't buy that argument. I came from the House of Representatives where I was for 14 years. I saw the minimum wage increase basically in 1 day in the House of Representatives a couple of weeks ago. We are now on the eighth day of delaying this minimum wage vote. The people who oppose this minimum wage don't think minimum wage workers should get a fraction of what we get in this body—the salary and benefits; they shouldn't even get a fraction of what we get. They are still unwilling to raise the minimum wage, just standing pure and simple.

The elections last year showed how many voters feel this Government has betrayed the middle class—betrayed them. They wanted to increase the minimum wage straightforwardly. We should have been able to pass on an up-or-down vote quickly the minimum wage. We can deal with tax issues later as this body always does. This should have been done more quickly. But there is, as Senator KENNEDY said, that hostility toward workers, whether it is overtime, whether it is Katrina workers, whether it is the refusal to raise the earned income tax credit, or whether it is their reluctance over 10 years, their digging-in reluctance against raising the minimum wage.

Mr. KENNEDY. Mr. President, if the Senator will yield, we are here on day seven now of this discussion. We had 16 days where we talked about the minimum wage another time. And this past week, since we started this debate, every Member of Congress has made $3,840 in the last week. Mr. President, $3,840 is what a minimum wage worker would make in 4 months—4 months. Three thousand eight hundred dollars, every Member of this Senate.

Does the Senator find it somewhat troublesome that we are getting paid $3,800 in this past week and we are standing here against an increase in the minimum wage, from $5.15 to $7.25, over a 2-year period? Does the Senator not share with me this extraordinary inequality that is so evident here in this body? Does he find it, as do I, highly depressing in terms of the actions of this body—not in terms of our will to continue fighting, but I was thinking of appropriate words and I kept rejecting the ones I was thinking about.

Mr. BROWN. Mr. President, let's look at the kind of work the minimum wage workers are doing. They are hotel workers in Cincinnati. They are farm workers in western Ohio. They are people who are working every bit as hard, and many would argue much harder, at much more difficult jobs in many ways while, as Senator KENNEDY said, we have made more in a week than they have made in 2 or 3 months. That is what makes for this Chamber's inability or unwillingness to pass this minimum wage increase more quickly—rather than continued delay, continued delay, continued delay, rather than having to do these tax breaks for some of their contributors, rather than do a straight up-or-down vote on whether we should increase the minimum wage for these workers who have worked hard and played by the rules. Don't they deserve a straight up-or-down vote?

Let's pass the minimum wage. Let's give them a chance, to bring up the minimum wage, to make up for the decline in the real value of the minimum wage over the last 10 years.

Again, as Senator KENNEDY has said, 6 times in the last 10 years while the House and Senate have refused to increase the minimum wage, 6 different times, these 2 bodies increased our own pay. That is shameful. That is reprehensible, when I hear my friends in this body or in Government talk about family values. Let's talk about real family values. Let's talk about making it possible for families to take care of their children, give their children a chance, an opportunity for education, an opportunity to find a decent job in the greatest country in the world.

Mr. KENNEDY. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. One minute.

Mr. KENNEDY. Just in that time, Ohio addressed the minimum wage, an increase in the minimum wage. Could the Senator in the last minute or so tell us what you found in traveling around, what was on people's minds and why they wanted to vote for it?

Mr. BROWN. I found overwhelming support for the minimum wage. In Ohio, 500,000 people got a raise because of what the voters in Ohio did in November, with overwhelming support of the minimum wage. Two hundred thousand children live in those 500,000 homes. Those are still families who often don't have health insurance, who often have great problems finding daycare for their children when they

are holding their minimum wage jobs. Those are families who are struggling to provide the opportunity for their children to go to school. We know all that. At least one thing we can do here is increase the minimum wage to give those families—not just in Youngstown and in Ravenna, and not just in Springfield and in Xenia—a real chance to raise their children.

Mr. KENNEDY. I thank the Senator. I believe our time has expired.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes reserved for the Republican leader at this time.

Mr. ENZI. Mr. President, the Republican leader has given me his time unless he should appear on the floor, and so I will do that.

I am a little disturbed about what I have heard here in the last several speeches this morning. The vote we are about to have is on whether the minimum wage will increase and there will be tax breaks for small businesses.

When we returned for this session of Congress, we had a number of bipartisan meetings, and I was pleased we had bipartisan meetings and talked about how we could work together and why we needed to work together for America. We talked about minimum wage a little bit, and I even saw newspaper articles where the majority leader and others on the Democratic side talked about the importance of having tax breaks for small business to take care of the impact from the increase in the minimum wage. I was encouraged by that. I thought: We are having some bipartisanship here. We are having some working together. I am encouraged.

Now, of course, the minimum wage came to the floor and I felt for a while it was a bait and switch. After Senator BAUCUS, the Senator from Montana, and Senator GRASSLEY, the Senator from Iowa, worked together to come up with this tax package and the tax package was introduced as a substitute to the bill, I said: I think we are making progress. I think this is going to work. I think it can happen. I think we can work together. I think we can get it done.

Then, of course, we had the cloture vote on the straight minimum wage and I thought: What is going on here? Was that to get our attention and make us feel good and then rip it away? Rip away the comments that were made about the need to help small business? We don't need class warfare in this country.

I keep hearing about a book that was mentioned here, ''The War Against The Middle Class.'' Well, I am trying to figure out how the minimum wage worker made it into the middle class. I think we are talking about the small businessmen, who are being scrunched in from all angles, who are in the middle class, who are employing the people, sometimes at minimum wage, usually at a minimum skills position, and they train them to get better skills, and when they get better skills and can do more, they get paid more.

I always mention the McDonald's in Cheyenne, WY. A guy there starts people at minimum wage. Now, if they have to be at minimum wage more than about 3 weeks, they are probably not learning the job, probably not showing up on time. But the main point is he has had 3 people who started at minimum wage who now own 21 McDonald's. So there are opportunities out there, but you have to learn and improve to get more wages. We can raise the minimum wage and we are going to raise the minimum wage. And that will take the bottom step out of the ladder and people will be able to step up one more. Then, as we increase prices to help pay for that, unless we have the tax breaks, all we did was raise prices.

I hope we do not get into a class warfare. We do not need hostility to workers and between parties. It is 2 years until we have an election again. We do not need to start campaigns right now. We need to solve problems right now.

We have said one of the problems is the minimum wage, and we are going to solve it. They said we debated this six times in the last 10 years. We have. And every time it was brought up, we needed to do some decreases in taxes for the small businesses to take care of the impact this will have. That part got ignored every time. Consequently, raising of the minimum wage got ignored each time. Hopefully, we will not ignore either message and we will do both. The vote we will have this morning will be in regard to that.

Now, I will have to take some time after the vote and talk about some of the things that were raised because we cannot discuss them in a short period of time. There was talk about overtime taken away. We need to have debate on that. There was talk about unemployment. We need to have a little debate on it. When we are talking about safety officials at mines being cut back, we need to have a talk about that.

Senator KENNEDY, I, Senator ROCKEFELLER, and Senator ISAKSON went to West Virginia and looked at the Sago mine and talked to the people there. We talked to the mine officials. We talked to union officials. We talked to the families. We did a bill in 3 months that changed mine safety for the first time in 28 years because we worked together. We did not try to find divisions. We tried to find places we could come together.

Now, safety officials were cut back. They were cut back all over the Nation. The production of coal went down decidedly. Mines were closed. There were less mines. Of course, then the price of coal came back up and the mines opened again, and everything lags with the Federal Government.

There are problems we need to solve, but we do not need to make them into a war. We need to solve the problems that are involved in these instances and keep moving on for America. That is the vote we will take later today: a chance to move on for America. We will raise the minimum wage, and we are going to help out the small businesses, those people with all the risk out there who are employing people and training people so that they can continue to hire those people and pay those people so we can have the jobs and the training that the small business provides.

I hope that is the track we will go down. I know it will not be unanimous on either side, but we can get there if we work together.

I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have 5 minutes.

The PRESIDING OFFICER (Mr. CASEY). The leader has 10 minutes.

Mr. REID. Mr. President, when we opened the Senate today, we asked that 10 minutes be divided between Senator KENNEDY and Senator REID. I yield 5 minutes.

Mr. KENNEDY. And would the Chair let me know when there is 1 minute remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. In the last few minutes, let me discuss what this issue is about. This issue is about John Hosier from Oklahoma who works at the Salvation Army for $6 an hour. He provides the family's sole paycheck. John and his wife Tina and their two children live on barely $200 a week. The family receives Government aid in the form of Medicare and food stamps but is still living on the verge of poverty. He said:

> It's hard on a small income . . . if it wasn't for the Salvation Army, I don't know where I'd be.

This is a vote on John Hosier.

This is a vote for Elizabeth Lipp of Missouri, a 21-year-old single mom. Elizabeth works two jobs, which, prior to a Missouri ballot initiative, paid $5.15. On weekdays Elizabeth worked as a housekeeper, and on the weekends she worked as a nurse's aide at a convalescent and retirement home. She lives with her mother and says:

> Getting by on $5.15 was a struggle. I pay out $75 a week alone for child care.

Extra money would help her mother with the bills, help pay off the car, and help her put aside some savings.

This is about Peggy Fraley from Wichita, KS, a 60-year-old grandmother. Her daughter, Karla, has five children, ages 6 to 17. Peggy works as a receptionist. Karla is a food service worker. Both women are working $5.15-an-hour jobs. The family is struggling to get by. Peggy explains:

> We can barely make it . . . but we've got each other. That's richer sometimes.

There it is. Those are the people we are fighting for and standing with. Those are the people we believe ought to get an increase from $5.15 to $7.25.

You can call that a paycheck. It is just a paycheck. What Democrats are fighting for is a just paycheck.

Finally, we have to understand at the end of this debate, these are our fellow citizens, our brothers and sisters, citizens in the United States of America. These are men and women of dignity, who take pride in the job they do. It is a difficult job, but they still do it. They care about their children, they have hopeful dreams for their children.

We are a Nation of many faiths, but all of the faiths talk about, and the Bible teaches the evilness of exploitation of the poor to profit the rich. All faiths say that is wrong. They all say that is wrong.

St. Matthew's Gospel says: Whatever you have done unto the least of my brethren, you have done unto me.

It is time we reach out to these men and women of dignity, these men and women—primarily women—who have children. This is a women's issue, it is a children's issue, it is a fairness issue. It is an issue of basic moral fairness. It is a civil rights issue because so many of those men and women are men and women of color. And, most of all, it is a fairness issue. In the United States of America, the richest country in the world, we are saying to those people who work 40 hours a week, 52 weeks of the year: You shouldn't have to live in poverty. The other side says no. The other side says no.

We stand for those individuals. It is the right thing to do. It is a defining issue of fairness and decency, and it is an indication of what we as Americans feel about our fellow citizens. I hope we will get a strong vote in favor.

Just remember, if there is any question in your mind, in the last week, the last 7 days, Senators have made $3,800. Every Member of this Senate has earned that, and Members are going to vote no? Members are going to vote no to increase the minimum wage from $5.15 to $7.25 over 2 years? And we have just earned $3,800 in 1 week?

Opposing the increase in the minimum wage is wrong. It is wrong. Six months after an election and 2 years before an election, it is wrong. It is wrong every single day of the year.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the distinguished minority manager of this bill is easy to get along with. I want the record spread with the fact that he is a gentleman. I wish every Member in this Senate was as easy to work with as the Senator from Wyoming.

However, I do have some regard for how we have conducted ourselves on this bill in the majority. I have a memory. I know how things have happened in the past. No amendments, few amendments, or, if cloture was invoked on a bill, those amendments that were germane postcloture did not get a vote.

That is not how we are doing things. They may not have gotten all the votes they wanted, but it is interesting to note that the Members offering the amendments are not going to vote for the bill anyway.

We have a procedure. There are amendments germane postcloture, and we will vote on as many of those as we can. I prefer a straight minimum wage bill. The people of America deserve this raise after 10 years. However, the Republicans have said they want these $8 billion in tax cuts for business. If that is the only way we can get this bill out of here, I am willing to do that for the 13 million Americans who depend on minimum wage.

How could someone in the minority vote against what they asked for? We gave them what they asked for. They got all the business tax deductions, tax cuts, and then they are going to vote against cloture? I don't understand.

Raise the minimum wage to $7.25 for 13 million Americans—why can't we do that—and 5.5 million will have wages raised directly, and the other 7.5 million who make near the minimum wage will benefit when the lowest wages are lifted.

As Business Week magazine said a month ago, raising the minimum wage lifts the boat for everybody. I don't think Business Week magazine is seen as a bastion of liberality.

Of the 13 million Americans who stand to get a raise, more than 60 percent are women. For the majority of those women, that is the only money they get for them and their families. Almost 40 percent of the people who draw minimum wage are people of color. Eighty percent of the people who draw minimum wage are adults, many of them senior citizens. They are not all kids at McDonald's flipping hamburgers.

Mr. President, $7.25 may not seem like a lot of money in Washington, but it would mean almost $4,500 a year for the Nation's poorest people, the poorest working people in America. Do we want to drive those poor working people into welfare? The answer is, no.

Mr. President, $4,500 is a lot of money: 15 months of groceries for a family of three; 19 months of utilities; 8 months of rent. It helps with childcare and additional things they simply do not have the money to splurge on now.

After 10 years, it is time to stop talking about this issue and give the working poor of this country a raise after 10 years. I also advise my friends the majority believes this raise in the minimum wage is way overdue.

Everyone should understand, if cloture is not invoked, we are through with minimum wage. We are going to go to other matters. The first thing we go to is Iraq. We have to start debating Iraq this afternoon. Everyone should understand we are not going to come back in a day or two or 2 or 3 weeks. We have a lot of things to do. We have to allow Medicare to negotiate for lower priced drugs for the people who are Medicare recipients. We want to do something about stem cell. We want to implement the 9/11 Commission recommendations. We want to pass appropriations bills. And we want to pass immigration reform this year. Minimum wage is dead this year because of the minority. If they do not vote for cloture, it is over with.

I yield the floor.

The PRESIDING OFFICER. The Senator's time is expired. There is still 2 minutes remaining under the minority's control.

Mr. ENZI. I yield back the remainder of my time.

The PRESIDING OFFICER. The time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid (for Baucus) substitute amendment No. 100 to Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 100, offered by the Senator from Montana, Mr. BAUCUS, an amendment in the nature of a substitute, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are they are any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—87

Akaka	Cardin	Domenici
Alexander	Carper	Dorgan
Allard	Casey	Durbin
Baucus	Clinton	Enzi
Bayh	Cochran	Feingold
Bennett	Coleman	Feinstein
Biden	Collins	Graham
Bingaman	Conrad	Grassley
Bond	Corker	Hagel
Boxer	Cornyn	Harkin
Brown	Craig	Hatch
Bunning	Crapo	Hutchison
Byrd	Dodd	Inouye
Cantwell	Dole	Kennedy

Kerry	Menendez	Shelby
Klobuchar	Mikulski	Smith
Kohl	Murkowski	Snowe
Landrieu	Murray	Specter
Lautenberg	Nelson (FL)	Stabenow
Leahy	Nelson (NE)	Stevens
Levin	Obama	Sununu
Lieberman	Pryor	Tester
Lincoln	Reed	Thomas
Lott	Reid	Thune
Lugar	Roberts	Voinovich
Martinez	Rockefeller	Warner
McCain	Salazar	Webb
McCaskill	Sanders	Whitehouse
McConnell	Sessions	Wyden

NAYS—10

Burr	Ensign	Kyl
Chambliss	Gregg	Vitter
Coburn	Inhofe	
DeMint	Isakson	

NOT VOTING—3

Brownback	Johnson	Schumer

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senate. That was an extraordinarily strong vote. It certainly indicates that important progress is going to be made on this issue. I hope the sooner the better. We do have eight pending amendments that are germane. We are hopeful we can consider the DeMint amendment or a vote in relation to that. I understand there is a budget point of order on that that might be made. We look forward to trying to dispose of other amendments through the course of the afternoon.

For the benefit of the Members, we have 30 hours now on this particular proposal. We will have, unless the leaders are able to work something out tomorrow, another cloture vote on the underlying legislation.

We are prepared to move ahead on these amendments. I will talk to my friend and colleague, Senator ENZI, about them. Of the eight pending amendments, I believe six are under the jurisdiction of the Finance Committee. We will work that out with the members of the Finance Committee and inform the Senate as soon as possible thereon.

Mr. DORGAN. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield.

Mr. DORGAN. I ask the manager, how many days have we been on the bill? I know this is legislation to increase the minimum wage. It has been on the floor for some long while. I understand there is a 30-hour postcloture period. I am curious: How long we have been on this bill and might we expect, for example, tomorrow to be able to complete legislation that would increase the minimum wage after 10 long years?

Mr. KENNEDY. To answer the Senator, this is the seventh day we have been on the minimum wage legislation. During this debate we have had 16 days where the Senate has addressed an increase in the minimum wage where we were unable to get a successful outcome. This is a subject that Members can understand quite readily. In one week since we started this, we have all received over $3,800 in pay ourselves, but we haven't increased the minimum wage from $5.15 to $7.25 over a 2-year period. I share the Senator's frustration about progress, the time it has taken us to get to this point. I hope our leaders can find a pathway that can expedite the process. Of the remaining issues, one is a DeMint amendment, which we have already addressed, that is adding the minimum wage on to all of the States rather than following the minimum wage standard. The other is a Chambliss amendment that ought to be on an immigration bill that deals with the AgJOBS payment. That is suitable for that rather than being on the minimum wage bill. But we are going to deal with these issues and do it in an expeditious way and continue to move forward.

Minimum wage workers ought to understand, though, that this was an important vote we have taken. I don't wish to be overly hopeful or optimistic, but I think help is on its way.

Mr. DORGAN. Mr. President, if the Senator will yield for one more question, this vote was encouraging. It gives us an opportunity to take another step. It has been a long and tortured trail because this subject has been discussed not just this year but in the last session and the session before that. This has been a long and tortured trail to get an increase in the minimum wage after 10 long years. My hope is that this cloture vote will give us an understanding that there is good will on all sides and a desire to move forward and get this completed. My hope is that we can complete this tomorrow. We have a lot of other issues Senator REID and others have suggested we ought to be moving to.

I thank my colleague for yielding.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, over the lunch hour, or shortly after that, the Senator from Massachusetts and I will work together to see what we can do on the amendments, to see if they can be voted on as expeditiously as possible. I, too, feel compelled to address the question of the Senator from North Dakota about the number of days we counted on this. The minority will always count the days on a bill as those days we are allowed to vote. We only voted three out of seven, until today when we got the second cloture vote. We will insist we get votes on amendments as we proceed through this bill and other bills.

I am pleased the Senator from Massachusetts is willing to work with us to see what we can do on the outstanding amendments.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator should be advised that there is an order to recess. Further debate would require unanimous consent.

Mr. LOTT. Mr. President, I ask unanimous consent that the order to recess be extended by 2 minutes so I may respond to some of the questions that have been raised.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me point out that was an important vote we had. It was overwhelming. The Senate voted for cloture 87 to 10. So there is not going to be any prolonged, dilatory action here. Republicans and Democrats want to get this bill to conclusion. People on both sides of the aisle want to make sure that we don't act on this legislation in such a way that we wind up costing people jobs or costing small business men and women the opportunity to provide jobs.

We are making progress. The Finance Committee came out with a unanimous, bipartisan package which is now going to be a part of what we do here. We are going to get through this process in a reasonable period of time.

Our leaders, I am sure, are talking about how exactly we can get to conclusion and what we will go to next. But we have only had about 3 days, as was pointed out, on which we were actually dealing with amendments and making progress.

There have been 76 amendments filed. There are still 26 pending. We have disposed of 17 amendments. So we are making progress. But the vote that just took place did block some Members who had legitimate amendments which are relevant, although they are not germane postcloture, and there are a few amendments that are germane postcloture. So I assume we will get to a conclusion after some of those amendments are considered, and we will complete this legislation before this week is out and then we can move on to the next issue which is of concern to everybody, and that is the Iraq resolution.

I wanted the RECORD to reflect we are making progress and that there is not an action out of the ordinary to delay this bill. We have been through this before, and actually we are going to complete action in what is probably about a normal period of time for this type of legislation.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

FAIR MINIMUM WAGE ACT OF 2007—Continued

Mr. KENNEDY. Madam President, we are prepared to move ahead on the amendments. We have some that are in the Finance Committee, some in our HELP Committee. We are prepared to move ahead on the Chambliss amendment. We would hope that the Senator might come to the floor to debate it. We are prepared to proceed. Senator FEINSTEIN is prepared to speak on it. I am prepared to debate it. The Finance Committee is in the process of working with Senator KYL on some of the other matters. It is 3:15 in the afternoon, and we are prepared to move ahead.

As I understand it, Senator DEMINT chose not to offer his amendment. So the Chambliss amendment would be the one amendment that is germane postcloture. We are prepared to deal with that at this time. We invite the Senator to come and debate the amendment.

We heard a great deal about how we want to move ahead, how we want to deal with the amendments. We are prepared to do so. I hope the good Senator will choose to come to the floor so we could continue to proceed with this legislation.

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. TESTER. 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. TESTER. Madam President, I rise today to talk about a subject that involves common decency and economic fairness—raising the minimum wage. In my State of Montana, thousands of workers struggle just to make ends meet with less than the State's current minimum standard. Twelve counties in Montana have 9 percent of their workforce making less than the State's current minimum wage standard. That makes it virtually impossible for those folks to try to obtain the middle class.

Raising the minimum wage is the first step to empowering the middle class, to making the middle class all it can be. We have talked about and for the last 6, 7 days we have heard about how important it is to raise the minimum wage. Let me tell my colleagues, if we are going to make this country all it can be, we need to show some attention to the middle class. This raising of the minimum wage, make no mistake about it, is the first step to empowering the middle class to make it vibrant once again. There are many things that can be done and I hope will be done when this 110th Congress goes forward. We are doing the right thing.

The fact is, people deserve a fair wage for the work they do. The current minimum wage at $5.15 an hour translates into less than $11,000 per year. One can't pay the bills with that kind of income.

I can tell my colleagues that as I drove around the State of Montana over the last year and a half, one of the fellows who made one of the biggest impressions on me was at a truck stop, when he asked me what I was going to do for average workers in the State of Montana. I said: What do you have in mind? He said: Currently, I work three jobs, and I still have difficulty making ends meet. What kind of quality of life can a person have working three jobs, struggling every day just to pay basic bills like heating, lights, and insurance?

The fact is that around this country, many States have passed minimum wage laws that have increased the minimum wage. Unfortunately, the leadership has not come from Washington, DC, on this issue; it has come from the States. And I think it is high time that this Congress—and it is unfortunate it hasn't happened before, but it is high time and it is welcomed that this Congress would step to the plate to increase the minimum wage from $5.15 to $7.25 an hour. It is the right thing to do, and it is a good first step. I will applaud the Senators if we, in fact, get this job done, which I think is entirely appropriate, to increase the minimum wage.

My State of Montana is one of six States that passed initiatives last November raising the minimum wage to a wage higher than the Federal standard. It passed with 73 percent of Montana's voters favoring this minimum wage increase. It is now at $6.50 an hour, indexed for inflation with no tip credit, meal credit, or training wage. This means employers may not count tips or benefits as part of the employee's wage for minimum wage purposes. This is a significant step forward for our workforce, and I hope the Federal Government will follow suit with passing this bill to make the economic struggles of almost 15 million Americans, including 7.3 million children, a little easier.

Raising the minimum wage is long overdue. It is about time, and it is about time we showed an appreciation for America's workforce.

I thank the Chair.

Mr. KENNEDY. Madam President, if the Senator will yield, I thank the Senator from Montana for his statement in support of the minimum wage. He comes from a very special part of this Nation, the northern part of the Rockies. It has great agriculture and farmlands. It has a number of communities—Butte, MT—where there is mining and a number of smaller communities where people have worked in manufacturing.

I thank the Senator for his statement and for his support. He has been on the floor a good deal of the time during the course of this debate, and having been just elected he brings to the Senate that fresh perspective of what people are thinking about in the heartland of the Nation. His comments bring additional strength to the argument in support of the increase. I express my appreciation to him for his good comments and statement in support of an increase. I thank the Senator.

Mr. TESTER. Madam President, I say to the Senator from Massachusetts, Montana is no different from any other State in this Union. We have a lot of hard-working folks who work for every penny they get. Quite frankly, sometimes they feel pretty unappreciated. It wasn't many years ago that we talked about American-made products and how proud we were of them and how proud we were of the workers who made those American-made products. We need to get back on that road once again.

I will say, as I said a few minutes earlier, this is long overdue and is something on which I wish the Federal Government would have taken the lead. But better late than never.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 118 WITHDRAWN

Mr. CHAMBLISS. Madam President, I have amendment No. 118 which is under consideration. After consultation with the Senator from Massachusetts, I am going to withdraw that amendment, but as I withdraw it, I want to say, as we move into the immigration debate, which we will do on the floor of the Senate hopefully sooner rather than later, this amendment will come up again. The importance of this amendment cannot be overstated. There are farmers and ranchers all across America who use a legal workforce versus an illegal workforce.

Between now and the time this debate comes up on immigration, I am afraid that by not moving ahead with the adoption of this amendment, we are going to encourage farmers and ranchers in the use of illegal immigrants. But the fact is, we have been debating this minimum wage bill now for 2 weeks or more. It is time to conclude it. This amendment has stirred up some controversy—for the right reasons, because we do need to talk about the amount of money we pay to our workforce in the agricultural sector. But I do appreciate the Senator from Massachusetts, in his conversations and his commitment to me, that as we move into the immigration debate we will talk about this once again, as we did last year.

Madam President, at this time I withdraw that amendment. I ask unanimous consent to do so.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the Senator from Georgia.

This is not a new issue. I know my friend and colleague from California is going to speak to the substance of it. The Senator from Georgia raised this during the last debate on the immigration bill. He has spoken about it a number of times earlier in the debate. These are complicated questions and issues that have enormous impact, these wage rate issues, in terms of agriculture across this country. He speaks for his State on this issue.

I am grateful he is going to withdraw this amendment at this time. I am very hopeful we are going to get to the immigration issue in a timely way. We have it as a high priority on our side to address it. We are very hopeful we are going to get to it in March, this year, and we will have an opportunity both in the committee and on the floor to come to grips with the substance of this issue.

I say, finally, the adverse wage goes back some 43 or 44 years. It goes back to a time when it was implemented and we had what they call the bracero program, which was a dark side of exploitation of workers from Mexico. It has been in effect, but the Senator is asking now that we get another look at this issue.

I know the Senator from California will speak on the substance of it. This wage rate has been frozen at a level for the last few years as part of another bill, the AgJOBS bill. But this is an immigration-related issue because we are talking about workers who are going to come from overseas. The Senator has spoken about it. I know he feels strongly about it. We know we are going to consider it in the course of that discussion and debate. But I appreciate the fact that he is not pressing it on this minimum wage bill. I thank him for it, and we look forward to trying to find a solution to it in the future.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I listened carefully to the Senator from Massachusetts, and I very much agree with his remarks. I also thank the Senator from Georgia for withdrawing this amendment.

This amendment muddies churning waters even more. I think it would be very difficult if put in at this time. The way to go about this is through something called the AgJOBS bill. I have seen the Senator from Idaho on the floor. The Senator from Idaho, the Senator from Massachusetts, and myself have all played a role in the AgJOBS bill.

If I understand what the Senator from Georgia was trying to do, it was to substantially change the H–2A program, which is the temporary agricultural worker program. That is a visa program, codified under section 218 of the Immigration and Naturalization Act. Under current law, employers of H–2A guest workers must pay the State minimum wage, the Federal minimum wage, the State's adverse effect wage rate—which is the market rate or the local prevailing wage, whichever is highest.

The Chambliss amendment would have required that H–2A employers pay the greater of either the Federal minimum wage or a newly defined prevailing wage.

My staff called both departments mentioned on line 6 at page 2 of his amendment—that is the Occupational Employment Statistics Program and the Bureau of Labor Statistics—neither of which had a prevailing rate they could certify.

This amendment, if promulgated, would have presented serious problems for our agricultural workers. For example, in my home State, the adverse effect wage rate is $9. This rate is higher than the Federal minimum wage. Because we do not know what the prevailing wage would mean in the Chambliss amendment, it would most likely result in a major cut of wages for agricultural workers.

Now, in AgJOBS, we have negotiated a 3 year freeze of the adverse wage rate so that a study could take place. It would give us a period of time to work this issue out. I think to do this as an amendment, without negotiation, without a real hearing, is a tremendous mistake. So I am very pleased the Senator chose to withdraw his amendment. I would have spoken as strongly as I possibly could against it had he not withdrawn it. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me join with my colleagues on this issue in thanking the Senator from Georgia for withdrawing the amendment. It is possible to say that the concept of adverse wage is an anomaly unto itself, specific to the H–2A program. That is not to suggest it is right. It is to suggest that it was there and it ratcheted up on an automatic basis to establish the wage base for H–2A workers in the guest worker program.

The Senator from California is right. As we began to negotiate and create what is now known as AgJOBS, which she and I reintroduced earlier this year, in that was a back-off from the adverse wage and a holding of the line for a period of time to level out. What the Senator from Georgia is attempting to do is establish a new wage rate. I think the Senator from California is right; we are not sure where it would go or what it would mean.

I am going to stand here and say that is not to suggest a new wage rate is not the right way to go, to establish equity between H–2A and non-H–2A workers who are doing the same job in the field, or somewhere else in agriculture. But there ought to be a consistency. If we are going to bring large groups of guest workers in—and we will, we always have; there are certain types of work only they will do—then I think we have to be sensitive to the uniqueness of that situation.

But at the same time, it is important that we are sensitive to all of the other requirements we put upon the employer as a part of the total employment package. Is it housing? Certain other conditions along with the wage that they necessarily would not have to pay to a domestic worker who was doing comparable wage but was outside the H–2A program?

There is a disparity today. That is why we backed it off in the negotiations. H–2A workers, by their definition, were becoming noncompetitive. Of course, in the environment in which we were working, they were becoming noncompetitive to the illegal who was in the market. So you have disparity across the board. I don't dispute what the Senator from Georgia is attempting to do. I visited with some labor attorneys who found it very problematic. If you are going to do this, we ought to work collectively, review it appropriately, apply it against a variety of workforces to see that it is uniform and just for all employees and employers who may, because of their uniqueness, provide certain conditions for the worker that otherwise would not be necessary to provide.

I used to be in agriculture. We paid a certain wage. We provided a house and we provided fuel for the rig. We also provided certain grocery and food supplies. That was all viewed as a factor of employment with the employee. There are a variety of things we have to get correct. The Senator from California said it would have muddied the water a great deal. I think it would have frustrated it. I think it would have taken out part of the force that it is valuable that we keep together as we try to reform the H–2A program, deal with the problem we currently have to secure and stabilize a legal, transparent workforce for American agriculture, treat foreign nationals right who come here legally for the purpose of that kind of employment.

I don't know that this would have accomplished it. Withdrawing it, coming together with us, trying to resolve this problem I think offers us an opportunity to get our work done on this portion of immigration reform this year. I hope and I know the Senator from California agrees with me. I hope we can accomplish that by the end of the year.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. If I may, Madam President, I would make a statement and then ask the Senator from Idaho a question. This morning I was visited by a delegation from Tulare County, which is an agricultural county in the central valley of California. These were city and county officials who pointed out the enormous loss from the frost and the fact that it looks as though the citrus loss is going to be at least $800 million and the total loss will be over $1 billion. Nobody knows the tree loss yet, let alone the avocado or nursery plant loss or the row crop loss of strawberries and lettuce and other crops. But this will also have an impact on

the ability to find agricultural labor, and I think the Senator agrees, I know I agree, that we must pass the AgJOBS bill.

Madam President, an estimated 90 percent of agricultural labor in this country—the picker part of it, not necessarily the processing and canning part of it, but the picking part, the field work—an estimated 90 percent is by undocumented people. What we have tried to do is develop a plan, which actually passed the Senate once before as part of the comprehensive immigration bill, called AgJOBS. This also reformed the H–2A program.

We have been trying to get that bill up before this body for a vote. This next year is going to be a singularly difficult year for agriculture, and with the inability to get a consistent workforce, farmers don't know if they can plant, they don't know if they can prune, they don't know if they can pick, because they don't know if they will have enough labor.

My question to the Senator from Idaho through the Chair is, Do you agree with the statement I made?

Mr. CRAIG. I agree totally and I agree for all the reasons the Senator from California put forward—and a couple more. One of the things the Congress is committed to—both the Senators on the floor at this moment have voted for it—is to secure our Southwest border. We are investing heavily on that at this moment, and we should be. There is no question about that. We may argue about how many miles of fence, but we all recognize an unsecured border is a very problematic thing. It is closing. It is becoming secure and we are going to continue to invest in it. As we are doing that, all of these other problems are beginning to happen because that workforce is moving around and they are not staying with agriculture. The Senator lost a tremendous amount this year in the San Joaquin, in the greater agricultural area of California.

I spoke with young farmers and ranchers of the Idaho Farm Bureau this weekend. We have lost hundreds of millions—nowhere near what the Senator from California has lost, but we have a different kind of agriculture. The intensity of ours, the hand labor of ours is simply not as great as the Senator's. But there is a real problem and that problem is quite simple. If we don't get this corrected, we may well be looking at $5 billion worth of agricultural loss this year, and half of that or more will come from California alone, let alone all the other areas, and I may even be conservative in my guesstimate.

So the Senator is absolutely right. Now we are coupled with the natural weather disasters that have hit California and could hit my State at some time in the future. That is typical of agriculture. But, if we provide a stable and secure workforce that is legal, then we have helped our agriculture a great deal in knowing that when they do produce a crop, they have the people there to help them get it out of the field, get it to the processor and ultimately to the retail shelves of America.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Idaho. My plea, and I know the Senator joins with me, is that the people of America will weigh in and say: Get this bill passed; that agricultural labor will weigh in, corn and citrus, potatoes, apples, wherever it is in the United States, wherever they need a consistent, legal workforce, will please weigh in and say to this body: Get that bill up and get it passed, and will say to the other body: Get that bill up and get it passed. Senator CRAIG and I have been coming to the floor from time to time to plead to give us time. I believe the majority leader will give us time—I am uncertain as to when, but I believe it is going to happen. My hope is that it happens sooner rather than later because the predictability is so important. Here we are, we are at the end of January, we are going into February. People are getting their loans to plant and that kind of thing, and they need to know they can deliver a crop. They need to know they can get the workforce to deliver that crop. So this is a huge issue economically for America and for the agricultural industry.

So I wish to say to the Senator from Idaho and to the Senator from Massachusetts, I thank them so much for their work on this issue. I wish that the Senator from Georgia would be with us on AgJOBS, because I believe it is the right way to go, and I believe his State—Georgia—will also be benefited by the H–2A reforms in the bill. For California, the H–2A reforms mean that this program, which hasn't been used by agriculture because it was so cumbersome, will now be used by agriculture. It, in effect, is the guest worker program. So passing AgJOBS secures a legal guest worker program for agriculture and also a path to legalization for those who have engaged in agricultural labor who will pay a fine, who will pay their taxes, who will commit to work in agricultural labor for another 3 years, thereby providing that consistent workforce.

So I very much hope that the day will not be far distant when the Senator from Idaho and I will be on the floor and will, hopefully, be able to mount a substantial vote for this important bill.

I thank the Chair.

Mr. OBAMA. Madam President, I come to the floor today to support a long overdue raise for America's lowest paid workers from $5.15 an hour to $7.25 an hour.

As you know, more than 6 million hourly workers currently earn less than $7.25 an hour. They work hard, they pay taxes, they try to raise strong families. For a few them, it is a first job, they are young, and they do not have to support anyone else. But 80 percent of them are adults, and about half of them are their household's primary breadwinner. Forty-seven percent of them are poor, and many have to work two or three jobs just to make ends meet.

Work should keep Americans out of poverty. It should make it possible for you to live with dignity and respect, to have a comfortable place to live in a safe neighborhood, to see a doctor, to have a shot at education, to save a little money, to enjoy the opportunities of this great country. But that's out of reach for most people at $5.15 and hour. It is time that we do better by those in our workforce who make the least.

The Federal minimum wage is at its lowest inflation-adjusted level since 1955, and it has been stagnant for almost a decade. That does not reflect well on our country and Americans are overwhelmingly supportive of an increase. In fact 29 States and countless cities have taken action and set higher minimums of their own. It is time for the Federal Government to do the same. And I know we can achieve that in a bipartisan way.

We have had a vigorous debate about the impact of the minimum wage on employment levels and on small businesses. And I agree that all policy decisions must be made with full consideration of possible unintended consequences. But the evidence clearly indicates that raising the minimum wage is good for workers and that the effects on small businesses are negligible.

Following the most recent increase in the Federal minimum wage in 1997, the low-wage labor market actually performed better than it had in decades, with lower unemployment rates, higher average hourly wages, higher family income and lower rates of poverty. And most studies of State minimum wage increases have found no measurable negative impact on employment.

A group of 650 economists, including several Nobel laureates, recently issued a statement, saying: ''We believe that a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed.''

They further note:

> While controversy about the precise employment effects of the minimum wage continues, research has shown that most of the beneficiaries are adults, most are female, and the vast majority are members of low-income working families.

But raising the minimum wage is not just good economics, it is also a statement of our commitment to each other as Americans. I am convinced that most Americans agree that the person who serves your food or handles your checkout at the grocery store deserves to be paid a decent wage. Most people agree that parents working full time—no matter what their job or occupation—should not have to raise their children in poverty.

In fact, I think that most Americans worry, as I do, that even $7.25 an hour

is not enough in many parts of the country where a living wage that would cover housing, schooling and healthcare needs might have to be twice as high or more.

But the increase to $7.25 would restore the value of the minimum wage that inflation has eroded since the last increase nearly a decade ago. It would mean an additional $4,200 in annual earnings for a full-time, minimum wage worker. It would trigger additional increases in the earned-income tax credit for low-income parents.

Today, a family of four with one minimum-wage earner lives in poverty. With the increase in the minimum wage, that family would be lifted 5 percent above the poverty line instead of being 11 percent below the poverty line in 2009, as it would be under current law.

The minimum wage cannot be the end of our commitment to help working families. But it is an important place to start.

Mr. DORGAN. Madam President, I voted in opposition to the Gregg amendment, No. 101, which he said would establish a legislative line-item veto.

However, the Gregg amendment is not a line-item veto at all. It is an enhanced rescission proposal that would give the President unprecedented powers to wait for up to 1 full year before unilaterally deciding to rescind areas of spending that Congress has previously determined are in the public interest.

That is not what I call a line-item veto.

A line-item veto would give the President short term authority when he is signing legislation to extract certain portions of that legislation. But to suggest the President should have the power to decide, up to 1 year after the appropriations process has been completed, that he wishes to withhold certain areas of expenditures is one of the most unusual transfers of power from the legislative branch to the President that I have ever seen proposed.

The power of the purse belongs to the legislative branch, and I am willing to work with the legislative branch and the White House to try to find a way to reduce inappropriate Federal spending. But I am not willing to give the President the authority that would allow him to use a fast track process or enhanced recission authority to undermine Social Security or take any number of other actions that would give a President virtually unlimited powers of the purse.

That is not the way the Constitution intended the separation of powers to work and I could not support the overreaching amendment offered by Senator GREGG.

ORDER OF PROCEDURE

Madam President, if I may, I ask unanimous consent that at 4:10 p.m., the Senate proceed to executive session to consider en bloc Executive Calendar nominations 6 and 7; that there be 10 minutes for debate equally divided between Senators LEAHY and SPECTER or their designees; and that upon the use or yielding back of the time, the Senate proceed to vote on the nomination of Lisa Godbey Wood to be United States District Judge, to be followed immediately by a vote on the nomination of Philip S. Gutierrez to be a United States District Judge; that motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative business; that all time consumed in executive session count postcloture; and that there be 2 minutes between each vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NOMINATION OF LISA GODBEY WOOD

Mrs. FEINSTEIN. Madam President, one of these judges, Philip Gutierrez, is for the central district of California. Vice Judge Terry Hatter, who at one point was the chief judge, a very good chief judge, has retired. Mr. GUTIERREZ is one of two judicial emergencies we need to fill. His nomination went through the special commission that we have, which is Republicans and Democrats who screen these judicial nominations. He has served on the Los Angeles County Superior Court. He also served on the municipal court. He is a Los Angeles native. He graduated from Notre Dame and UCLA Law School. I strongly support his nomination.

Madam President, I yield the floor.

Mr. CRAIG. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PHILIP S. GUTIERREZ

Mr. ISAKSON. Madam President, in a few moments the Senate will be considering the vote on the confirmation of Lisa Godbey Wood as a judge in the State of Georgia. First of all, I wish to thank the chairman of the Judiciary Committee, Senator LEAHY, for all the commitments he made last year as ranking member and that he has followed through on this year as chairman to bring this judge's confirmation to the full Senate for a vote. Senator LEAHY has been a gentleman. He has been diligent. He has lived up to every responsibility he accepted. I, personally, along with Senator CHAMBLISS, am very grateful for the opportunity to confirm this outstanding jurist.

I also wish to say that Lisa Godbey Wood brings to the bench for the Federal courts of the United States of America the integrity, the intellect, the sense, and the judgment that all of us seek in a fine judge. I am pleased to stand before the Senate today to commend her to each and every Member of the Senate, and my sincerest hope is that her confirmation will be a unanimous vote.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

LISA GODBEY WOOD TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA

PHILIP S. GUTIERREZ TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The legislative clerk read the nomination of Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia, and Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, today the Senate is considering the first judicial nominations of the year. If these nominees are confirmed, it will be the 101st and 102nd while I have served as Judiciary Committee Chairman under this President. If confirmed, these nominees will bring the total number of President Bush's nominees confirmed during his tenure to 260.

Last Thursday, the Judiciary Committee held its first business meeting of the year. We were delayed a few weeks by the failure of the Senate to pass organizing resolutions on January 4, when this session first began. The Republican caucus had meetings over several days after we were in session before finally agreeing on January 12 to S. Res. 27 and S. Res. 28, the resolutions assigning Members to Senate committees.

The Judiciary Committee has traditionally met on Thursday. Regrettably, the delay in Senate organization meant that I could not notice or convene a meeting of the Committee the morning of January 11, as I had hoped. We devoted the intervening Thursday to our oversight hearing with the Attorney

General. January 18 was the date the Attorney General selected as most convenient for him, and we accommodated him in that.

Accordingly, it was last Thursday that we were first able to meet. At our first meeting, I included on our agenda the nominations of five men and women to lifetime appointments as federal judges. Three were for vacancies that have been designated judicial emergencies by the Administrative Office of the Courts. Before proceeding, I inquired of each Member of the Committee whether a hearing was requested on these nominations this year. They were each nominees we had considered in the Committee last year. They were returned to the President without Senate action when Republican Senators objected to proceeding with certain nominees in September and December last year. Last week I thanked the Members of the Judiciary Committee for working with me to expedite consideration of these nominations this year. In particular, I extend thanks to our new Members, the Senators from Maryland and Rhode Island.

All five nominations were not sent to the Senate until January 9. We have moved promptly to vote to report them on January 25 and now begin the process of final Senate consideration. I know from last year that Senators CHAMBLISS and ISAKSON are strong supporters of Ms. Wood's nomination to fill the emergency vacancy in Georgia. I appreciate that they have both worked with me and am delighted that hers is the first nomination to be considered by the Senate this year.

The second nomination we will consider is that of Philip S. Gutierrez, another nominee to a seat deemed to be a judicial emergency. He has been nominated to the U.S. District Court for the Central District of California after a distinguished career in private practice and as a Los Angeles County Superior and Municipal Court judge. While on the Superior Court, Judge Gutierrez served as a founding member of the Judicial Ethics Committee, which developed a curriculum for ethics training for every California judicial officer, and devoted significant time to improving the court system statewide. Judge Gutierrez, a Los Angeles native, is a graduate of the University of Notre Dame and UCLA Law School.

This new Congress presents an opportunity for a fresh start on judicial nominations, one that emphasizes qualifications and bipartisan consensus over political game-playing by the other side. President Bush made the right decision in not resubmitting this year several controversial and troublesome nominees who failed to win confirmation from a Republican-controlled Senate. Of course it is unfortunate that we lost many months of valuable time on those failed nominations. We spent far too much time engaged in political fights over a handful of nominees in the last Congress, time the Senate could have spent making progress on filling vacancies with qualified consensus nominees.

I do wish the President had gone further and renominated three nominees for vacancies in the Western District of Michigan who were reported out of Committee, but left pending on the Senate's Executive Calendar when some on the other side of aisle blocked the nomination of Judge Janet Neff for one of those seats. All three nominations were for vacancies that are judicial emergency vacancies—three in one federal district. The Senators from Michigan had worked with the White House on the President's nomination of three nominees to fill those emergency vacancies. The Judiciary Committee proceeded unanimously on all three. Working with then-Chairman SPECTER, the Democratic Members of the Committee cooperated to expedite their consideration. On September 16, we held a confirmation hearing for those three nominees on an expedited basis and reported them out of Committee on September 29.

Regrettably, rather than meet to work out a process to conclude the consideration of judicial nominations last session, the Republican leadership apparently made the unilateral decision to stall certain of these nominations, including those for the judicial emergencies in the Western District of Michigan and, in particular, the President's nomination of Judge Janet Neff. After the last working session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, even though he raised no objection to her nomination when she was unanimously reported out of Judiciary Committee. Later, without going through the Committee, Senator BROWNBACK sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

I wondered at the end of the last Congress whether it could really be that Judge Neff's attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications were to be ignored, and that her nomination was to be pocket filibustered by Republicans.

I do not know why the President has not chosen to renominate Judge Neff or the other two Western District nominees. But the approach to nominations we saw in the last Congress, of using nominations to score political points rather than filling vacancies and administering justice, has led to a dire situation in the Western District of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads to ensure that justice is administered in that district. Judge Bell is the only active judge. If not for Republican objections, these nominations would be filled by now.

I urge the President to fill these and other outstanding vacancies with consensus nominees. The Administrative Office of the U.S. Courts list 59 judicial vacancies, 28 of which have been deemed to be judicial emergencies. So far in this Congress, the President has sent us 30 judicial nominations. There remain 17 judicial emergency vacancies—17—now without any nominee at all.

We continue to make progress today towards filling longstanding judicial vacancies. If the President consults with us and works with us to send consensus selections instead of controversial nominations for important lifetime appointments, we can make good progress filling vacancies.

The American people expect the federal courts to be fair forums where justice is dispensed without favor to the right or the left. I intend to do all that I can to ensure that the federal judiciary remains independent and able to provide justice to all Americans. These are the only lifetime appointments in our entire government, and they matter. I will also continue in the 110th Congress to work with Senators from both sides of the aisle, as I have with Senators CHAMBLISS and ISAKSON as well as Senators FEINSTEIN and BOXER. I congratulate Ms. Woods and Judge Gutierrez on their confirmations today.

Mrs. FEINSTEIN. Madam President, I yield back the time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lisa Godbey Wood, of Georgia, to be U.S. District Judge for the Southern District of Georgia? 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 Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0 as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—97

Akaka	Bunning	Cochran
Alexander	Burr	Coleman
Allard	Byrd	Collins
Baucus	Cantwell	Conrad
Bayh	Cardin	Corker
Bennett	Carper	Cornyn
Bingaman	Casey	Craig
Bond	Chambliss	Crapo
Boxer	Clinton	DeMint
Brown	Coburn	Dodd

Dole	Landrieu	Rockefeller
Domenici	Lautenberg	Salazar
Dorgan	Leahy	Sanders
Durbin	Levin	Schumer
Ensign	Lieberman	Sessions
Enzi	Lincoln	Shelby
Feingold	Lott	Smith
Feinstein	Lugar	Snowe
Graham	Martinez	Specter
Grassley	McCain	Stabenow
Gregg	McCaskill	Stevens
Hagel	McConnell	Sununu
Harkin	Menendez	Tester
Hatch	Mikulski	Thomas
Hutchison	Murkowski	Thune
Inhofe	Murray	Vitter
Inouye	Nelson (FL)	Voinovich
Isakson	Nelson (NE)	Warner
Kennedy	Obama	Webb
Kerry	Pryor	Whitehouse
Klobuchar	Reed	Wyden
Kohl	Reid	
Kyl	Roberts	

NOT VOTING—3

Biden	Brownback	Johnson

The nomination was confirmed.

NOMINATION OF PHILIP S. GUTIERREZ

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Gutierrez nomination.

Mr. LEAHY. Madam President, Philip S. Gutierrez is the second nomination we consider today to a seat deemed to be a judicial emergency. We considered his nomination in the Judiciary Committee late last week and the two Senators from California have urged we move this nomination without further delay. I am pleased that we are able to do so today. As I said earlier before the vote to confirm Lisa Godbey Wood to fill an emergency vacancy in Georgia, Judge Gutierrez's nomination will be the 102nd to be confirmed while I have served as Judiciary Committee chairman and the 260th nominee of President Bush to be confirmed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the majority leader and Chairman LEAHY for bringing up the nomination of Philip Gutierrez. He has an outstanding academic record. His bachelor's degree is from the University of Notre Dame. He has a law degree from UCLA. He has been rated ''well qualified'' by the American Bar Association.

Judge Gutierrez was nominated during the last Congress and his nomination reported out of the Judiciary Committee with a favorable recommendation on September 21, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress.

President Bush renominated Judge Gutierrez in the 110th Congress and his nomination reported out of the Judiciary Committee on January 25, 2006.

Judge Gutierrez received his BA degree from the University of Notre Dame in 1981 and a JD from the UCLA School of Law in 1984.

Judge Gutierrez's substantial experience both in private practice and on the California Superior Court have prepared him to serve on the Federal bench.

He began his legal career as an associate with the Los Angeles firm Wolf, Pocrass & Reyes from 1984 to 1986 and then worked as an associate with Kern & Wooley from 1986 to 1988. At both firms, Judge Gutierrez worked on civil tort liability litigation.

In 1988, Judge Gutierrez joined the law firm of Cotkin & Collins in Santa Ana as managing partner. At Cotkin, he focused his practice on business litigation with an emphasis in professional liability and insurance coverage.

In 1997, Judge Gutierrez was appointed to serve on the Whittier Municipal Court where he presided over misdemeanors, felony arraignments, and civil matters.

In 2000, he was elevated to the Los Angeles County Superior Court where he currently sits in the Pomona division. He presides over a range of significant civil and criminal matters, including felony cases.

Active in judicial governance and education, Judge Gutierrez currently serves on the Los Angeles County Superior Court Executive Committee and the California Judges Association's Committee on Judicial Ethics, of which he is a former chair.

He serves on several committees of the California Center for Judicial Education and Research.

The American Bar Association has rated Judge Gutierrez unanimously ''well qualified.''

Madam President, I know the Members on the Senate floor would like to have a detailed description of his résumé, but they will have to read it in the CONGRESSIONAL RECORD. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHILIP STEVEN GUTIERREZ

UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

Birth: October 13, 1959, Los Angeles, CA

Legal Residence: California.

Education: B.A., 1981, University of Notre Dame; J.D., 1984, U.C.L.A. School of Law.

Employment: Associate, Wolf, Pocrass & Reyes, 1984–1986; Associate, LaFollette, Johnson, DeHaas, Fesler & Ames, 07/86–09/86; Associate, Kern & Wooley, October 1986–1988; Managing Partner, Cotkin & Collins, 1988–1997; Judge, Whittier Municipal Court, 1997–2000; Judge, Los Angeles Superior Court, 2000–Present.

Selected Activities: Chair, California Judges Association, Committee on Judicial Ethics, 2003–2004; Vice Chair, 2002–2003; Member, Los Angeles Superior Court Executive Committee, 2005–Present; Member, California Center for Judicial Education and Research, 2000–Present; Seminar Leader and Faculty Member, B.E. Witkin California Judicial College, 2004–2005; Member, State Bar Committee on Professional Liability Insurance, 1991–1997; Member, American Bar Association, Tort and Insurance Practice Insurance Coverage Litigation Committee, 1992–1997; Member, Orange County Bar Association, 1988–1997; Board Member, Hispanic Bar Association of Orange County, 1993–1995; Board Member, Westside Legal Services, 1986–1998.

Madam President, I yield the floor.

Mr. CRAIG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—97

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Allard	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	
Dorgan	Menendez	

NOT VOTING—3

Biden	Brownback	Johnson

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. 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. OBAMA. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. OBAMA. Mr. President, today in Iraq we sadly find ourselves at the very point I feared when I opposed giving the President the open-ended authority to wage this war in 2002, an occupation of undetermined length and undetermined cost, with undetermined consequences in the midst of a country torn by civil war.

The American people have waited. The American people have been patient. We have given chance after chance for a resolution that has not come and, more importantly, watched with horror and grief at the tragic loss of thousands of brave young American soldiers.

The time for waiting in Iraq is over. The days of our open-ended commitment must come to a close. The need to bring this war to an end is here.

That is why today I am introducing the Iraq War De-escalation Act of 2007. This plan would not only place a cap on the number of troops in Iraq and stop the escalation; more importantly, it would begin a phased redeployment of United States forces with the goal of removing all United States combat forces from Iraq by March 31, 2008, consistent with the expectations of the bipartisan Iraq Study Group that the President has so assiduously ignored.

The redeployment of troops to the United States, Afghanistan, and elsewhere in the region would begin no later than May 1 of this year, toward the end of the timeframe I first proposed in a speech more than 2 months ago.

In a civil war where no military solution exists, this redeployment remains our best leverage to pressure the Iraqi Government to achieve the political settlement between its warring factions, that can slow the bloodshed and promote stability. My plan allows for a limited number of United States troops to remain as basic force protection, to engage in counterterrorism, and to continue the training of Iraqi security forces.

If the Iraqis are successful in meeting the 13 benchmarks for progress laid out by the Bush administration itself, this plan also allows for the temporary suspension of the redeployment, provided Congress agrees that the benchmarks have actually been met and that the suspension is in the national security interest of the United States.

The United States military has performed valiantly and brilliantly in Iraq. Our troops have done all we have asked them to do and more, but no amount of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

It is my firm belief that the responsible course of action for the United States, for Iraq and for our troops, is to oppose this reckless escalation and to pursue a new policy. This policy I have laid out is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in the November election.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and for patience, is over. Too many lives have been lost and too many billions of dollars have been spent for us to trust the President on another tired and failed policy that is opposed by generals and experts, Democrats and Republicans, Americans, and many of the Iraqis themselves.

It is time for us to fundamentally change our policy. It is time to give the Iraqis back their country. And it is time to refocus America's efforts on the challenges we face at home and the wider struggle against terror yet to be won.

Thank you very much, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

TRADE RELATIONS WITH LATIN AMERICA

Mr. GRASSLEY. Mr. President, I rise to speak on the U.S. trade agenda. There are a number of important items on this year's trade agenda, including reauthorization of Trade Promotion Authority for the President and reauthorizing our trade adjustment assistance programs for workers who are displaced by trade. I will speak on those priorities another day.

Today I want to focus on our trade relations with our neighbors in Central and South America. During my chairmanship of the Finance Committee, Congress passed implementing bills for trade agreements covering 12 countries. Out of these 12 countries, over half—7—are located in Latin America. I am pleased that Congress acted to strengthen our economic relations with Chile, the Dominican Republic, Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica, by implementing our trade agreements with these neighbors to the south. And I think we should all be pleased that these seven countries made it a priority to develop closer economic ties with us and to further commit themselves to transparency and the rule of law.

I hope that the current Congress will continue working to strengthen economic relations between the United States and Latin America. Fortunately, we already have a roadmap for doing so. We have concluded free trade agreements with Peru and Colombia, and we are about to sign an agreement with Panama. It is up to this Congress to pass implementing legislation for these agreements. Failure to do so would only damage our relations with these important allies and embolden other southern neighbors who are increasingly hostile to the United States.

Moreover, by implementing our trade agreements with Peru, Colombia, and Panama, we would provide an important boost for U.S. exporters. During my time in the Senate, I have heard many of my colleagues complain that the global trade situation reflects an uneven playing field. To some extent, I agree. In too many cases, the duties imposed on U.S. exports by our trading partners are much higher than our duties. That is certainly the situation with Peru, Colombia, and Panama. Right now, almost all imports from those three countries enter the United States duty free. Ninety percent of the value of our imports from Colombia enter duty-free. With respect to Panama, it is over 95 percent, and with respect to Peru it is 97 percent.

On the other hand, our exports to these countries face significant duties. Colombia's tariffs generally range from 10 to 20 percent, while those of Peru range from 12 to 25 percent. After Panama acceded to the World Trade Organization in 1997 its tariffs averaged 8 percent, but since then Panama has raised tariffs on certain agricultural products. For example, Panama's tariff on pork—a major Iowa product—is currently 74 percent, while its tariff on chicken imports is 273 percent. Now that is what I call a one-way street.

This imbalance is largely the result of unilateral trade benefits that we extend to these nations. Panama gets duty-free access to our markets under the Caribbean Basin Initiative, while Peru and Colombia are eligible under the Andean Trade Preference Act. And all three are eligible under our Generalized System of Preferences.

The nonpartisan U.S. International Trade Commission, ITC, analyzed our trade agreements with Peru and Colombia. The ITC concluded that these agreements will help to level the playing field that is currently tilted against U.S. exporters.

Here is what the ITC has to say about our trade promotion agreement with Peru:

> Given the substantially larger tariffs faced by U.S. exporters to Peru than Peruvian exporters to the United States, the TPA is likely to result in a much larger increase in U.S. exports than in U.S. imports.

The ITC goes on to state that the agreement will likely increase U.S. exports to Peru by 25 percent, while Peruvian exports to the United States will grow by 8 percent.

The ITC's analysis of our trade promotion agreement with Colombia draws similar conclusions. The ITC report states that:

> Colombian exporters generally face substantially lower tariffs in the U.S. market

than do U.S. exporters in the Colombian market. . . . The TPA is likely to result in a much larger increase in U.S. exports to Colombia than in U.S. imports from Colombia.

The ITC predicts that after implementing the agreement, U.S. exports to Colombia will be $1.1 billion higher than today, and U.S. imports from Colombia will be $487 million higher.

The ITC has not yet completed its analysis of our trade agreement with Panama. But given the disparity in tariff levels between the United States and Panama, I think it is safe to assume that the ITC will reach similar conclusions regarding the likely economic impact of that agreement as well. And the benefits of these three trade agreements will be spread across all major sectors of our economy. U.S. agricultural producers, manufacturers, and service providers all stand to gain.

According to the American Farm Bureau Federation, our trade agreement with Peru could increase U.S. agricultural exports by over $705 million annually. With respect to Colombia, the Farm Bureau predicts that full implementation of our trade agreement will have an annual net benefit of over $660 million for the U.S. agricultural sector. The Farm Bureau hasn't finished its analysis of the impact of our trade agreement with Panama, but I am confident that it will find major benefits for U.S. farmers.

Our manufacturers stand to gain as well. According to the International Trade Commission, U.S. producers of machinery, chemicals, rubber, and plastic products will be among the biggest beneficiaries of these agreements. And Panama will eliminate tariffs on manufactured products within 10 years of implementing our trade agreement.

U.S. service providers will also gain from increased trade with Peru, Colombia, and Panama. Under their respective agreements, each of those countries agree to exceed the commitments they made on services in the World Trade Organization.

In addition, Panama is scheduled to initiate a $5.25 billion expansion project for the Panama Canal in 2008. Our trade agreement with Panama will help ensure market access for U.S. service providers for this major project.

So to those of my colleagues who complain that the current world trading situation is unfair, here is a chance to help fix the problem. By implementing trade agreements with Peru, Colombia, and Panama, Congress will level the playing field for U.S. farmers, manufacturers, and service providers in these important markets. These agreements will boost U.S. exports and help create jobs. I think it is ironic that some of my colleagues oppose these free trade agreements and yet at the same time complain the loudest about the trade deficit and how the deck is stacked against U.S. exporters.

These agreements level the playing field. It is beyond me as to how someone could oppose that. Now, I understand that there is rising protectionism in Congress. But let's look at the facts. Take as an example the Dominican Republic-Central America Free Trade Agreement, otherwise known as CAFTA.

According to the U.S. Department of Commerce, our exports to the CAFTA countries were up 17 percent in the period January through November 2006, while our imports from the CAFTA countries were up 3 percent. As a result, our trade balance swung from a $1.2 billion deficit 2 years ago to an annualized surplus of $1 billion last year. That is what happens when you level the playing field.

And we are not the only ones who stand to benefit. Peru, Colombia, and Panama will also benefit from implementing our trade agreements. The leaders of these countries are to be commended. By pursuing trade agreements with the United States, they have demonstrated a commitment to locking in economic reforms, increasing economic freedoms, and enhancing transparency and respect for the rule of law.

That leadership and foresight will be rewarded once our trade agreements are implemented. I read recently in the Wall Street Journal of a joint study conducted by the Journal and the Heritage Foundation. According to the article, their study found that ''economically free countries enjoy significantly greater prosperity than those burdened by heavy government intervention.''

We certainly see examples of heavy-handed government intervention in some other Latin American countries. Instead of fostering individual and economic liberty, these governments are embracing the failed policy of statism. Chief among them is the Government of Venezuela.

President Chavez has announced plans to turn Venezuela into a ''socialist republic.'' To that end, he announced this month that he plans to nationalize Venezuela's telecommunications and electricity industries. That decision will directly impact U.S. companies with investments in those sectors of the Venezuelan economy.

President Chavez also might nationalize Venezuela's mining sector, and he intends to increase state control over the oil industry as well. Significantly, President Chavez is demonstrating that those who withdraw economic rights often seek to withdraw political rights, and that those who centralize economic power tend to centralize political power. For example, he has stated that he plans to pull the broadcasting license of one of Venezuela's oldest television broadcasters, which also happens to be one of his major critics. President Chavez is also proposing changes in Venezuelan laws that will enable him to rule by decree for 18 months, permit his indefinite reelection as President, and reduce the power of state governors and mayors.

Unfortunately, President Chavez is not alone. Two other countries in the region are moving toward increased state control of their economies. Bolivia and Ecuador each currently enjoy duty-free access to the U.S. market under the Andean Trade Preference Act. Yet last year Bolivia undertook a de facto nationalization of its natural gas industries, forcing companies to renegotiate their contracts with the state. Bolivian President Morales is also considering nationalizing the country's mining, electricity, and telecommunications sectors. In the case of Ecuador, last year the government revoked the operating license of a U.S. oil company and seized $1 billion of the company's assets.

So Latin America is clearly divided. Some countries, led by Venezuela, are consolidating economic power in the state. President Chavez is also clearly seeking to centralize political power, and has demonstrated an active hostility to the United States.

That stands in stark contrast to our allies and trading partners, Peru, Colombia, and Panama. The governments of these three countries have gone out on a limb. They have demonstrated they want closer economic ties with the United States. They appreciate that, by working with us, by building more links between businesses in their countries and ours, they can better improve the lives of their citizens. We need to reward that leadership. We should do so by implementing our respective trade agreements as soon as possible. If we don't, we will be turning our backs on allies in the region. We will be sending a signal to Latin America that we don't really care about opening markets and enhancing the rule of law. Instead, we'd help build the clout of Chavez and other leaders in the region who see the failed policy of statism as Latin America's future. And we would be shooting ourselves in the foot by giving up a chance to level the playing field. Why would we want to do that?

Before concluding, I would like to address two other sets of issues that have arisen with respect to our trade agreements with Peru, Colombia, and Panama. First are the labor and environment chapters of the agreements, and second is the Andean Trade Preference Act.

I understand that some in Congress would like to see the labor and environment chapters of these agreements renegotiated. I disagree. I believe that the provisions on labor and the environment are strong. And I note that renegotiation would effectively preclude implementation of these agreements under the current Trade Promotion Authority, which is set to expire on July 1.

I question whether those who would insist on renegotiation aren't really trying to kill the agreements outright. In my view, the best thing we can do to advance labor rights and environmental protections in these countries is to implement our trade agreements with them. Implementation will increase the rate of economic growth and

prosperity in these countries. It will increase business activity and awareness of labor rights. It will create new bodies for more active oversight of labor and the environment.

As important as labor and the environment are to some of my colleagues, I don't see how they can justify holding back these trade agreements that are so good for the United States. They should be embarrassed for holding them up. The sooner we implement these agreements, the sooner our farmers, manufacturers, and service providers will benefit from them. That being said, I understand that U.S. Trade Representative Susan Schwab is in discussions with some of my colleagues to explore ways to address their concerns regarding labor and the environment. I am willing to listen to any constructive proposals that are put forward.

Separately, I note that the Andean Trade Preference Act has been extended until June 30. That leaves Congress sufficient time to implement our trade agreements with Peru and Colombia, so that their preferential access to the U.S. market does not terminate.

But with respect to Bolivia and Ecuador, their preferential access to the U.S. market will terminate after June 30 because we don't have comprehensive trade agreements lined up with those two countries.

Some of my colleagues are already talking about extending the Andean Trade Preference Act beyond June 30. I see no reason to do so. If Congress acts responsibly and implements our trade agreements with Peru and Colombia by June 30, neither of those countries will need unilateral preferential trade benefits.

As far as Bolivia and Ecuador go, I see no reason to extend preferential trade benefits to them. Not only are they withholding market access from U.S. exporters, they are actively engaged in nationalizing industries and expropriating foreign assets.

It wouldn't be right to treat imports from Bolivia and Ecuador the same as products from Peru and Colombia. Why should Congress be in the business of rewarding bad behavior? So I disagree with my colleagues who favor extending the Andean Trade Preference Act past June 30.

In sum, Mr. President, I hope that the administration will soon be in a position to send implementing legislation for the U.S-Peru Trade Promotion Agreement to Congress. And I urge my colleagues to work with me to implement not only that agreement, but also our agreements with Colombia and Peru as soon as possible. Our agricultural producers, manufacturers, and service providers are counting on us. Our allies are counting on us. It is in our economic interest, and it is in our national interest. Now it is up to Congress. We have to execute our responsibilities without delay. We cannot let the opportunities embodied in these trade agreements slip us by.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, to have printed in the RECORD the Rules of the Committee on Armed Services.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

1. Regular Meeting Day. The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. Additional Meetings. The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. Special Meetings. Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings. Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer. The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. Quorum. (a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting. Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. Announcement of Votes. The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. Subpoenas. Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The

subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings. (a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. Nominations. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. Real Property Transactions. Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. Legislative Calendar. (a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

FRANKLIN DELANO ROOSEVELT

Mr. SCHUMER. Mr. President, it is with great honor that I rise to recognize our 32nd President, Franklin Delano Roosevelt. One hundred and twenty-five years ago today, FDR was born at Hyde Park, NY. During his childhood, Franklin developed a lifelong love for the natural beauty and history of the Hudson River Valley.

Like his famous cousin, President Theodore Roosevelt, FDR enjoyed a rapid rise in politics. A graduate of Harvard College and Columbia Law School, FDR was first elected to the New York State Senate in 1910. Following service as Assistant Secretary of the Navy during the Woodrow Wilson administration, he was the Democratic Party's unsuccessful nominee for Vice President of the United States in 1920.

Just months later, his personal and political world was upended when polio left him paralyzed below the waist. Most assumed his public life was over. Yet Roosevelt turned aside all thought of retreat. With the help of his wife Eleanor, he maintained his political contacts and was determined to continue serving his State and country.

Roosevelt's resolve was rewarded in 1928 when he triumphantly reentered political office, winning election as Governor of New York. Two years later, with America now in the grip of the Great Depression, he was reelected in a landslide. He set out to make New York a laboratory for aggressive efforts to use government to provide economic relief and put people back to work.

In 1932, the darkest year of the Depression, the Democratic Party turned to FDR as its nominee for President. His resounding victory gave him a mandate for fundamental change. When he took the oath of office on March 4, 1933, our Nation was on the brink of economic collapse, with 13 million Americans unemployed. FDR quickly sprang into action to meet this challenge. Declaring that the only thing the Nation had to fear was ''fear itself,'' he created Federal programs that put millions of people back to work and provided aid for others so that they could feed their families. He reformed banking, aided organized labor, invested in the Nation's infrastructure, and established social programs, including Social Security, that changed the way in which Americans and their government interact. Most important, he restored people's hope and self-respect.

On December 7, 1941—a date that Roosevelt said would live ''in infamy''—America entered the war. During the daunting years that followed, FDR led the Nation as Commander in Chief. He directed a massive effort to convert America's economy to wartime production, encouraged his fellow citizens to sacrifice for the common good, and helped lead an international coalition in a global war to defeat the Axis Powers. Roosevelt envisioned a postwar world shaped by four fundamental human freedoms: freedom of speech, freedom of religion, freedom from want, and freedom from fear. To help achieve this vision, he was a forceful advocate for a postwar United Nations Organization.

In 1944, with the war still underway, FDR faced a decision on whether to run for an unprecedented fourth term as President. ''All that is within me,'' he declared, ''cries out to go back to my home on the Hudson River, to avoid public responsibilities, and to avoid also the publicity which in our democracy follows every step of the Nation's Chief Executive.'' Yet despite his yearning to retire to the quiet of Hyde Park, FDR answered the call of duty to finish the job of winning the war. In November 1944 he was elected President once again.

In March 1945, with the war nearly won, an exhausted Roosevelt made what would be his final visit to Hyde Park. Worn down by heart disease and the stresses of wartime leadership, he then departed for a brief stay in Washington, DC, before heading to his retreat at Warm Springs, GA for a short vacation. Two weeks later, on April 12, 1945, he died there of a cerebral hemorrhage. On April 15, 1945, he came home to his beloved Hyde Park for the last time and was buried in a large rose garden just steps from his home and library.

Today, as we mark the 125th birthday of a great 20th century President, we also remember his special connection to New York State. In the Roosevelt Library, among millions of documents preserved for historians, is the draft of a speech FDR was working on the day before his death. The speech outlined his hopes for the postwar world. The final lines of that speech, handwritten

in pencil by the President, speak eloquently of Franklin Roosevelt's unconquerable optimism and idealism: ''The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.''

So today let us remember our 32nd President, and let us also honor his memory by dedicating ourselves to overcome our own doubts of today in order to realize our visions of tomorrow.

ADDITIONAL STATEMENTS

AWARDS FOR OUTSTANDING ACHIEVEMENT

● Mr. THUNE. Mr. President, today I recognize Rodney Kraft, Eric Anderson, Nick Hodgin, and Cecilia Cedeno, all of whom received the Founder's Award for Outstanding Achievement from the Black Hills Workshop in Rapid City, SD. This is a prestigious award that reflects the recipients' hard work and dedication to achieving independent living. It also reflects the valuable role they have played in giving back to their local community.

Rodney Kraft has worked as a clerk at Ellsworth Air Force Base's supply store for the past 10 years. He is a dependable worker who is well liked by his fellow staff members and customers. Rodney also has a vast knowledge of computers which makes him an excellent resource for his coworkers.

Eric Anderson is a food service attendant at Ellsworth Air Force Base's Bandit Inn. He has been an excellent addition to their staff and has been rewarded for his hard work by receiving the Employee of the Month and Employee of the Quarter awards. He has recently completed his first degree brown belt in jujitsu and hopes to someday earn his black belt.

Nick Hodgin is an enthusiastic member of the janitorial team at Ellsworth AFB. In the past year, Nick has been promoted from a being a member of a supervised crew to working independently. Nick also loves working on diesel engines and is currently preparing to take the entrance exam for Western Dakota Technical Institute. In his spare time, he volunteers with the Black Hills Humane Society.

Cecelia Cedeno has recently retired from her work as a dishwasher at the Corn Exchange Restaurant in Rapid City, SD. As a dishwasher, Cecelia was praised by her employer for her strong work ethic and her kindness to the other staff members. Since her retirement, she has been spending part of the year visiting family in Arizona and the rest of her time enjoying her time in Rapid City.

It gives me great pleasure to rise with Rodney Kraft, Eric Anderson, Nick Hodgin, and Cecilia Cedeno to congratulate them on receiving these well-earned awards and wish them continued success in the years to come.●

COMMANDER LEDA MEI LI CHONG

● Mr. INOUYE. Mr. President, I am pleased to congratulate Commander Leda Mei Li Chong upon the completion of her career of service in the U.S. Navy. Throughout her 20-year military career, Commander Chong served with distinction and dedication.

As the first member in her family to serve in the military, Commander Chong received her commission from the United States Navy in 1987. She went on to teach math, chemistry, materials, and radiological controls at the Naval Nuclear Power School in Orlando, FL. From there, Commander Chong served in various technical positions always providing vital operational and training support to the naval fleet. Highlights include having been the Department of Defense military satellite communications liaison to the U.S. Coast Guard where she provided expert technical and policy guidance on ultra high frequency satellite capabilities. She was also deputy J6 to the commander, Iceland Defense Force where she provided critical command, control, and communications in support of NATO defense. Commander Chong volunteered as a White House social aide where she provided support to the President of the United States during important State events. Her most recent assignments were as a Navy congressional liaison to the Senate and House Armed Services Committees as well as to the Senate and House Defense Appropriations subcommittees. As a congressional liaison, her straightforward approach and complete grasp of all facets concerning C4ISR, information technology, and space programs have been of great benefit to my staff, the U.S. Congress and our national security. Commander Chong ensured that the U.S. congress had the information necessary to determine how to best equip, maintain and support the U.S. Navy.

Her family and her fellow shipmates can be proud of her distinguished service. Her parents Paul and Su and her husband Kevin have given her strong support during her naval career. As she departs the Pentagon to start her second career, I call upon my colleagues to wish Commander Chong and her family every success, and the traditional Navy ''fair winds and following seas.''●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 188. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. Res. 50. An original resolution amending Senate Resolution 400 (94th Congress) to make amendments arising from the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 and to make other amendments (Rept. No. 110–3).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Select Committee on Intelligence.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 427. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, and Mrs. CLINTON):

S. 428. A bill to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 429. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. BOND (for himself, Mr. LEAHY, Mr. NELSON of Nebraska, and Ms. SNOWE):

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; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 431. A bill to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. COLEMAN, Mr. DURBIN, and Mr. PRYOR):

S. 432. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 433. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REED, Ms. CANTWELL,

Mr. LIEBERMAN, Mr. LEAHY, Mr. COLEMAN, and Mr. INOUYE):

S. 434. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. LEVIN, Mr. SPECTER, Mr. NELSON of Nebraska, and Mr. SANDERS):

S. 435. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 436. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 437. A bill to provide for the conveyance of an A–12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, and Mr. LEAHY):

S. 438. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. DODD:

S. Res. 47. A resolution honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers; to the Committee on the Judiciary.

By Mr. LEVIN:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Res. 49. A resolution recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. Res. 50. An original resolution amending Senate Resolution 400 (94th Congress) to make amendments arising from the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 and to make other amendments; from the Select Committee on Intelligence; placed on the calendar.

By Mr. ROCKEFELLER:

S. Res. 51. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 46, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 91

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 91, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 121, a bill to provide for the redeployment of United States forces from Iraq.

S. 156

At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 184

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 184, a bill to provide improved rail and surface transportation security.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 240

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 240, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 254

At the request of Mr. ENZI, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Colorado (Mr. SALAZAR) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 280

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 309

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 344

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 344, a bill to permit the televising of Supreme Court proceedings.

S. 357

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to

enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. CON. RES. 2

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. RES. 34

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 34, a resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan.

S. RES. 39

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 39, a resolution expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

AMENDMENT NO. 154

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 154 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 427. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am reintroducing the Affordable Housing Expansion and Public Safety Act to address some of the housing affordability issues faced by my constituents and by Americans around the country, including unaffordable rental burdens, lack of safe and affordable housing stock, and public safety concerns in public and federally assisted housing. My legislation is fully offset, while also providing $2.69 billion in deficit reduction over the next 10 years.

Increasing numbers of Americans are facing housing affordability challenges, whether they are renters or homeowners. But the housing affordability burden falls most heavily on low-income renters throughout our country. Ensuring that all Americans have safe and secure housing is about more than just providing families with somewhere to live, however. Safe and decent housing provides children with stable environments, and research has shown that students achieve at higher rates if they have secure housing. Affordable housing allows families to spend more of their income on life's other necessities including groceries, health care, and education costs as well as save money for their futures. I have heard from a number of Wisconsinites around my State about their concerns about the lack of affordable housing, homelessness, and the increasingly severe cost burdens that families have to undertake in order to afford housing.

This bill is especially needed now, given the breakdown in the fiscal year 2007 appropriations process. This week, the House is scheduled to pass a joint funding resolution to fund federal agencies through the rest of fiscal year 2007. I have heard from Wisconsinites concerned that the funding levels in the resolution could affect the ability of various local housing authorities to serve the same number of individuals as were assisted last year, never mind trying to serve the increasing numbers of individuals around the State who need housing assistance. Yesterday, the House Appropriations Committee filed the joint funding resolution and I am pleased to see the Committee included a boost in funding for Section 8 tenant-based and project-based vouchers, allowing HUD to renew the vouchers that are currently in use by families. In addition to maintaining the current level of vouchers, I hope that we in Congress can work together this year to fund new Section 8 vouchers to help address the critical rental assistance needs throughout the country.

My bill does not address every housing need out there, but I believe it is a good, necessary first step. My legislation does address a number of different issues that local communities in my State and around the country are facing, including the need for more rental assistance, the creation and preservation of more affordable housing units, and the ability to more adequately address public safety concerns of residents of federally assisted housing.

Congress needs to act on other vital housing needs this year including addressing the large shortfall in the public housing operating fund. I have heard from housing authorities ranging in size from Menomonie Housing Authority to Milwaukee Housing Authority about the shortfall in operating funds and the negative impact it is having on the communities these housing agencies are serving. This shortfall in operating subsidies impacts public housing authorities and the people they serve by reducing funding for maintenance costs associated with running buildings and limiting the services that housing authorities can provide, such as covering utility cost increases. The joint funding resolution filed yesterday also included an increase of $300 million for public housing authorities to pay for these important operating costs, including the increases in utility costs. This is a good start and we must continue working this year to provide much-needed assistance to these housing authorities and the individuals and families they serve.

Unfortunately, affordable housing is becoming less, not more, available in the United States. Research shows that the number of families facing severe housing cost burdens grew by almost two million households between 2001 and 2004. Additionally, one in three families spends more than 30 percent of their earnings on housing costs. The National Alliance to End Homelessness reports that at least 500,000 Americans are homeless every day and two million to three million Americans are homeless for various lengths of time each year. Cities, towns, and rural communities across the country are confronting a lack of affordable housing for their citizens. This is not an issue that confronts just one region of the Nation or one group of Americans. Decent and affordable housing is so essential to the well-being of Americans that the Federal Government must provide adequate assistance to our citizens to ensure that all Americans can afford to live in safe and affordable housing.

Congress has created effective affordable housing and community development programs, but as is the case with many of the Federal social programs, these housing programs are inadequately funded and do not meet the need in our communities. We in Congress must do what we can to ensure these programs are properly funded, while taking into account the tight fiscal constraints we are facing.

The Section 8 Housing Choice Voucher Program, originally created in 1974, is now the largest Federal housing program in terms of HUD's budget with approximately two million vouchers currently authorized. Yet the current number of vouchers does not come close to meeting the demand that exists in communities around our country. In my State of Wisconsin, the city of Milwaukee opened up their Section 8 waiting list for the first time since 1999 earlier this year for twenty four hours and received more than 17,000 applications. The city of Madison has not accepted new applications for Section 8

in over three years and reports that hundreds of families are on the waiting list.

Unfortunately, situations like this exist around the country. According to the 2005 U.S. Conference of Mayors Hunger and Homelessness Survey, close to 5,000 people are on the Section 8 waiting list in Boston. Detroit has not taken applications for the past two years and currently has a waiting list of over 9,000 people. Phoenix closed its waiting list in 2005 and reported that 30,000 families were on its waiting list. In certain cities, waiting lists are years long and according to the Center on Budget and Policy Priorities, the typical waiting period for a voucher was two and a half years in 2003. Given these statistics, it is clear there is the need for more Section 8 vouchers than currently exist.

While there are certainly areas of the Section 8 program that need to be examined and perhaps reformed, a number of different government agencies and advocacy organizations all cite the effectiveness of Section 8 in assisting low-income families in meeting some of their housing needs. In 2002, the Government Accountability Office determined that the total cost of a one-bedroom housing unit through the Section 8 program costs less than it would through other federal housing programs. The same year, the Bipartisan Millennial Housing Commission reported to Congress that the Section 8 program is ''flexible, cost-effective, and successful in its mission.''

The Commission further stated that the vouchers ''should continue to be the linchpin of a national policy providing very low-income renters access to the privately owned housing stock.'' The Commission also called for funding for substantial annual increments of vouchers for families who need housing assistance. This recommendation echoes the calls by advocates around the country, many of whom have called for 100,000 new, or incremental, Section 8 vouchers to be funded annually by Congress.

My bill takes this first step, calling for the funding of 100,000 incremental vouchers in fiscal year 2008. I have identified enough funds in my offsets to provide money for the renewal of these 100,000 vouchers for the next decade. While this increase does not meet the total demand that exists out there for Section 8 vouchers, I believe it is a strong first step. My legislation is fully offset and if it were passed in its current form, would provide for the immediate funding of these vouchers. I believe Congress should take the time to examine where other spending could be cut in order to continue to provide sizeable annual increases in new vouchers for the Section 8 program. According to the Congressional Research Service, incremental vouchers have not been funded since fiscal year 2002. During the past three to four years, the need for Federal housing assistance has grown and it will continue to grow in future years. We need to make a commitment to find the resources in our budget to ensure continued and increased funding for Section 8 vouchers.

We should examine doing more than just providing more money for Section 8. There have been numerous stories in my home State of Wisconsin about various concerns with the Section 8 program, ranging from potential discrimination on the part of landlords in declining to rent to Section 8 voucher holders to the administrative burdens landlords face when participating in the Section 8 program. Additionally, there are substantial concerns with the funding formula the Bush Administration is currently using for the Section 8 program. I look forward to working with my colleagues in this Congress to address these and other issues and make the Section 8 program more effective, more secure, and more accessible to citizens throughout the country.

But providing rental assistance is not the only answer to solving the housing affordability problem in our country. We must also work to increase the availability of affordable housing stock in our communities through facilitating production of housing units affordable to extremely low and very low income Americans. The HOME Investments Partnership Program, more commonly known as HOME, was created in 1990 to assist states and local communities in producing affordable housing for low income families. HOME is a grant program that allows participating jurisdictions the flexibility to use funds for new production, preservation, and rehabilitation of existing housing stock. HOME is an effective federal program that is used in concert with other existing housing programs to provide affordable housing units for low income Americans throughout the country.

According to recent data from HUD, since fiscal year 1992, over $23 billion has been allocated through the HOME program to participating jurisdictions around the country. There have been over 800,000 units committed, including over 200,000 new construction units. HUD reports that over 700,000 units have been completed or funded. Communities in my State of Wisconsin have received over $370 million since 1992 and have seen over 20,000 housing units completed since 1992. Cities and States around the country are able to report numerous success stories in part due to the HOME funding that has been allocated to participating jurisdictions since 1992. The Bipartisan Millennial Housing Commission found that the HOME program is highly successful and recommended a substantial increase in funding for HOME in 2002.

Unfortunately, for the past two fiscal years, the HOME program has seen a decline in funding. In fiscal year 2005, HOME was funded at $1.9 billion and in fiscal year 2006, HOME was funded at a little more than $1.7 billion. As a result of this decline in funding, all participating jurisdictions in Wisconsin saw a decline in HOME dollars, with some jurisdictions seeing a decline of more than six percent. We need to ensure these funding cuts to HOME do not continue in the future and we must provide more targeted resources within HOME for the people most in need.

But, as successful as the HOME program is, more needs to be done to assist extremely low income families. My legislation seeks to target additional resources to the Americans most in need by using the HOME structure to distribute new funding to participating jurisdictions with the requirement that these participating jurisdictions use these set-aside dollars to produce, rehab, or preserve affordable housing for extremely low income families, or people at 30 percent of area median income or below.

As we all know, extremely low income households face the most severe affordable housing cost burdens of any Americans. According to data from HUD and the American Housing Survey, 56 percent of extremely low income renter households deal with severe affordability housing issues while only 25 percent of these renters are not burdened with affordability concerns. HUD also found that half of all extremely low income owner households are severely burdened by affordability concerns. Data shows more than 75 percent of renter households with severe housing affordability burdens are extremely low income families and more than half of extremely low income households pay at least half of their income on housing. The Bipartisan Millennial Housing Commission has stated that ''the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.'' The Commission also noted that there is no federal program solely for the preservation or production of housing for extremely low or moderate income families.

Because of these severe burdens and the high cost of providing safe and affordable housing to families at 30 percent or below of area median income, my bill would provide $400 million annually on top of the money that Congress already appropriates through HOME. I have heard from a number of housing advocates in Wisconsin that we have effective housing programs but the programs are not funded adequately. This is why I decided to administer this funding through the HOME program; local communities are familiar with the requirements and regulations of the HOME program and I think it is important not to place unnecessary and new administrative hurdles on local cities and communities.

Participating jurisdictions will be able to use this new funding under the eligible uses currently allowed by HOME to best meet the needs of the extremely low income families in their

respective communities. But participating jurisdictions must certify that this funding is going to extremely low income households and must report on how the funds are being utilized in their communities. Funds are intended to be distributed on a pro-rata basis to ensure participating jurisdictions around the country receive funding. I also require that the Secretary notify participating jurisdictions that this new funding for extremely low income households in no way excuses such jurisdictions from continuing to use existing HOME dollars to serve extremely low income families. It is my hope that this extra funding will provide an increased incentive to local cities and communities to dedicate more resources to producing and preserving affordable housing for the most vulnerable Americans.

My bill would also reauthorize a critical crime-fighting grant program: the Public and Assisted Housing Crime and Drug Elimination Program, formerly known as ''PHDEP.'' Unfortunately, the PHDEP program has not been funded since 2001, and its statutory authorization expired in 2003. It is time to bring back this important grant program, which provided much-needed public safety resources to public housing authorities and their tenants. My legislation would authorize $200 million per year for five years for this program.

After more than a decade of declining crime rates, new FBI statistics indicate that 2005 brought an overall increase in violent crime across the country, and particularly in the Midwest. Nationwide, violent crime increased 2.3 percent between 2004 and 2005, and in the Midwest, violent crime increased 5.6 percent between 2004 and 2005. Housing authorities and others providing assisted housing are feeling the effects of this shift, but just as the crime rate is rising, their resources to fight back are dwindling. We need to provide them with funding targeted at preventing and reducing violent and drug-related crime, so that they can provide a safe living environment for their tenants.

Reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program should not be controversial. The program has long enjoyed bipartisan support. It was first sponsored by Senator LAUTENBERG in 1988, and first implemented in 1989 under then-Housing and Urban Development Secretary Jack Kemp. When in effect, it funded numerous crime-fighting measures in housing authorities all over the country.

In Milwaukee, grants under this program funded a variety of important programs. It provided funding to the Housing Authority of the City of Milwaukee to hire public safety officers who are on site 24 hours a day to respond to calls and intervene when problems arise, and who work collaboratively with local law enforcement agencies. According to the Housing Authority, by the time the PHDEP program was defunded, public safety officers were responding to more than 8,000 calls per year, dealing quickly and effectively with thefts, drug use and sales, and other problems. Grants under the program also allowed the Housing Authority in Milwaukee to conduct crime prevention programs through the Boys and Girls Club of Greater Milwaukee and other on-site agencies, providing youths and others living in public housing with a variety of educational, job training and life skill programs.

When the PHDEP program was defunded during the fiscal year 2002 budget cycle, the Administration argued that crime-fighting measures should be funded through the Public Housing Operating Fund and promised an increase in that Fund to account for part of the loss of PHDEP funds. That allowed some programs previously funded under PHDEP to continue for a few years. But now there is a significant shortfall in the Operating Fund and HUD is proposing limits on how capital funds can be used, and housing authorities nationwide—including in Milwaukee—have been faced with tough decisions, including cutting some or all of their crime reduction programs.

It is time for Congress to step in and reauthorize these grants. Everyone deserves a safe place to live, and we should help provide housing authorities and other federally assisted low-income housing entities with the resources they need to provide that to their tenants.

But we can do more than just provide public housing authorities with grant money. The Federal Government also needs to provide more resources to help housing authorities spend those funds in the most effective way possible. That is why my legislation also contains several provisions to enhance the effectiveness of this grant program. It would: Require HUD's Office of Policy Development & Research (PD&R) to conduct a review of existing research on crime fighting measures and issue a report within six months identifying effective programs, providing an important resource to public housing authorities; require PD&R to work with housing authorities, social scientists and others to develop and implement a plan to conduct rigorous scientific evaluation of crime reduction and prevention strategies funded by the grant program that have not previously been subject to that type of evaluation, giving housing authorities yet another source of information about effective strategies for combating crime; and require HUD to report to Congress within four years, based on what it learns from existing research and evaluations of grantee programs, on the most effective ways to prevent and reduce crime in public and assisted housing environments, the ways in which it has provided related guidance to help grant applicants, and any suggestions for improving the effectiveness of the program going forward.

As with any grant program, it is essential that HUD monitor the use of the grants and that grantees be required to report regularly on their activities, as was required by HUD regulations when the program was defunded. The bill also clarifies the types of activities that can be funded through the grant program to ensure that funds are not used inappropriately.

My bill also includes a sense of the Senate provision calling on Congress to create a National Affordable Housing Trust Fund. At the outset, I want to commend my colleagues in the Senate, Senator KERRY, Senator REED, Senator SANDERS and others for all their work on advancing the cause of a National Affordable Housing Trust fund. I look forward to working with them and others in the 110th Congress to push for the creation of such a trust fund.

I agree with my colleagues that such a trust fund should have the goal of supplying 1,500,000 new affordable housing units over the next 10 years. It should also contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low income and very low income families and contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

Hundreds of local housing trust funds have been created in cities and states throughout the country, including recently in the city of Milwaukee. I want to commend the community members in Milwaukee for working to address the housing affordability issues that the city faces and it is my hope that we in Congress can do our part to help Wisconsin's communities and communities around the country provide safe and affordable housing to all Americans.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. This legislation does not solve all the affordable housing issues that communities are facing, but I believe it is a good first step. This issue is about more than providing a roof over a family's head, however. Good housing and healthy communities lead to better jobs, better educational outcomes, and better futures for all Americans. Local communities, States, and the Federal Government must work together to dedicate more effective resources toward ensuring that all Americans have a safe and decent place to live. I look forward to working with my colleagues in this new Congress to advance my bill and other housing initiatives and work towards meeting the

goal of affordable housing and healthy communities for all Americans.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 427

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 ''Affordable Housing Expansion and Public Safety Act''.

SEC. 2. INCREASE IN INCREMENTAL SECTION 8 VOUCHERS.

(a) IN GENERAL.—In fiscal year 2008 and subject to renewal, the Secretary of Housing and Urban Development shall provide an additional 100,000 incremental vouchers for tenant-based rental housing assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $8,650,000,000 for the provision and renewal of the vouchers described in subsection (a).

(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available until expended.

(3) CARRYOVER.—To the extent that any amounts appropriated for any fiscal are not expended by the Secretary of Housing and Urban Development in such fiscal year for purposes of subsection (a), any remaining amounts shall be carried forward for use by the Secretary to renew the vouchers described in subsection (a) in subsequent years.

(c) DISTRIBUTION OF AMOUNTS.—

(1) ADMINISTRATIVE COSTS.—The Secretary may not use more than $800,000,000 of the amounts authorized under paragraph (1) to cover the administrative costs associated with the provision and renewal of the vouchers described in subsection (a).

(2) VOUCHER COSTS.—The Secretary shall use all remaining amounts authorized under paragraph (1) to cover the costs of providing and renewing the vouchers described in subsection (a).

SEC. 3. TARGETED EXPANSION OF HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

(a) PURPOSE.—The purposes of this section are as follows:

(1) To authorize additional funding under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et. seq), commonly referred to as the Home Investments Partnership (''HOME'') program, to provide dedicated funding for the expansion and preservation of housing for extremely low-income individuals and families through eligible uses of investment as defined in paragraphs (1) and (3) of section 212(a) of the Cranston-Gonzalez National Affordable Housing Act.

(2) Such additional funding is intended to supplement the HOME funds already allocated to a participating jurisdiction to provide additional assistance in targeting resources to extremely low-income individuals and families.

(3) Such additional funding is not intended to be the only source of assistance for extremely low-income individuals and families under the HOME program, and participating jurisdictions shall continue to use non-set aside HOME funds to provide assistance to such extremely low-income individuals and families.

(b) SET ASIDE FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

(1) ELIGIBLE USE.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended by adding at the end the following:

''(6) EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

''(A) IN GENERAL.—Each participating jurisdiction shall—

''(i) use funds provided under this subtitle to provide affordable housing to individuals and families whose incomes do not exceed 30 percent of median family income for that jurisdiction; and

''(ii) ensure the use of such funds does not result in the concentration of individuals and families assisted under this section into high-poverty areas.

''(B) EXCEPTION.—If a participating jurisdiction can certify to the Secretary that such participating jurisdiction has met in its jurisdiction the housing needs of extremely low-income individuals and families described in subparagraph (A), such participating jurisdiction may use any remaining funds provided under this subtitle for purposes of subparagraph (A) to provide affordable housing to individuals and families whose incomes do not exceed 50 percent of median family income for that jurisdiction.

''(C) RULE OF CONSTRUCTION.—The Secretary shall notify each participating jurisdiction receiving funds for purposes of this paragraph that use of such funds, as required under subparagraph (A), does not exempt or prevent that participating jurisdiction from using any other funds awarded under this subtitle to provide affordable housing to extremely low-income individuals and families.

''(D) RENTAL HOUSING.—Notwithstanding section 215(a), housing that is for rental shall qualify as affordable housing under this paragraph only if such housing is occupied by extremely low-income individuals or families who pay as a contribution toward rent (excluding any Federal or State rental subsidy provided on behalf of the individual or family) not more than 30 percent of the monthly adjusted income of such individual or family, as determined by the Secretary.''.

(2) PRO RATA DISTRIBUTION.—Section 217 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747) is amended by adding at the end the following:

''(e) PRO RATA DISTRIBUTION FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—Notwithstanding any other provision of this Act, in any fiscal year the Secretary shall allocate any funds specifically approved in an appropriations Act to provide affordable housing to extremely low-income individuals or families under section 212(a)(6), such funds shall be allocated to each participating jurisdiction in an amount which bears the same ratio to such amount as the amount such participating jurisdiction receives for such fiscal year under this subtitle, not including any amounts allocated for any additional set-asides specified in such appropriations Act for that fiscal year.''.

(3) CERTIFICATION.—Section 226 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12756) is amended by adding at the end the following:

''(d) CERTIFICATION.—

''(1) IN GENERAL.—Each participating jurisdiction shall certify on annual basis to the Secretary that any funds used to provide affordable housing to extremely low-income individuals or families under section 212(a)(6) were actually used to assist such families.

''(2) CONTENT OF CERTIFICATION.—Each certification required under paragraph (1) shall—

''(A) state the number of extremely low-income individuals and families assisted in the previous 12 months;

''(B) separate such extremely low-income individuals and families into those individuals and families who were assisted by—

''(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

''(ii) any other funds awarded under this subtitle; and

''(C) describe the type of activities, including new construction, preservation, and rehabilitation of housing, provided to such extremely low-income individuals and families that were supported by—

''(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

''(ii) any other funds awarded under this subtitle.

''(3) INCLUSION WITH PERFORMANCE REPORT.—The certification required under paragraph (1) shall be included in the jurisdiction's annual performance report submitted to the Secretary under section 108(a) and made available to the public.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated under any other law or appropriations Act to carry out the provisions of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.), there are authorized to be appropriated to carry out the provisions of this section $400,000,000 for each of fiscal years 2008 through 2012.

SEC. 4. PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM.

(a) TITLE CHANGE.—The chapter heading of chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended to read as follows:

''CHAPTER 2—PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—Section 5129(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter $200,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.''.

(2) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Section 5129 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908) is amended by adding at the end the following:

''(d) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Of any amounts made available in any fiscal year to carry out this chapter not less than 2 percent shall be available to the Office of Policy Development and Research to carry out the functions required under section 5130.''.

(c) ELIGIBLE ACTIVITIES.—Section 5124(a)(6) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)(6)) is amended by striking the semicolon and inserting the following: '', except that the activities conducted under any such program and paid for, in whole or in part, with grant funds awarded under this chapter may only include—

''(A) providing access to treatment for drug abuse through rehabilitation or relapse prevention;

''(B) providing education about the dangers and adverse consequences of drug use or violent crime;

''(C) assisting drug users in discontinuing their drug use through an education program, and, if appropriate, referring such users to a drug treatment program;

''(D) providing after school activities for youths for the purpose of discouraging, reducing, or eliminating drug use or violent crime by youths;

''(E) providing capital improvements for the purpose of discouraging, reducing, or eliminating drug use or violent crime; and

''(F) providing security services for the purpose of discouraging, reducing, or eliminating drug use or violent crime.''.

(d) EFFECTIVENESS.—

(1) APPLICATION PLAN.—Section 5125(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904(a)) is amended by adding at the end the following: ''To the maximum extent feasible, each plan submitted under this section shall be developed in coordination with relevant local law enforcement agencies and other local entities involved in crime prevention and reduction. Such plan also shall include an agreement to work cooperatively with the Office of Policy Development and Research in its efforts to carry out the functions required under section 5130.''

(2) HUD REPORT.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by adding at the end the following:

''(d) EFFECTIVENESS REPORT.—The Secretary shall submit a report to the Congress not later than 4 years after the date of the enactment of the Affordable Housing Expansion and Public Safety Act that includes—

''(1) aggregate data regarding the categories of program activities that have been funded by grants under this chapter;

''(2) promising strategies related to preventing and reducing violent and drug-related crime in public and federally assisted low-income housing derived from—

''(A) a review of existing research; and

''(B) evaluations of programs funded by grants under this chapter that were conducted by the Office of Policy Development and Review or by the grantees themselves;

''(3) how the information gathered in paragraph (2) has been incorporated into—

''(A) the guidance provided to applicants under this chapter; and

''(B) the implementing regulations under this chapter; and

''(4) any statutory changes that the Secretary would recommend to help make grants awarded under this chapter more effective.''.

(3) OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by adding at the end the following:

''SEC. 5130. OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.

''(a) REVIEW.—

''(1) IN GENERAL.—The Office of Policy Development and Research established pursuant to section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1) shall conduct a review of existing research relating to preventing and reducing violent and drug-related crime to assess, using scientifically rigorous and acceptable methods, which strategies—

''(A) have been found to be effective in preventing and reducing violent and drug-related crimes; and

''(B) would be likely to be effective in preventing and reducing violent and drug-related crimes in public and federally assisted low-income housing environments.

''(2) REPORT.—Not later than 180 days after the date of enactment of the Affordable Housing Expansion and Public Safety Act, the Secretary shall issue a written report with the results of the review required under paragraph (1).

''(b) EVALUATION PLAN.—

''(1) IN GENERAL.—Upon completion of the review required under subsection (a)(1), the Office of Policy Development and Research, in consultation with housing authorities, social scientists, and other interested parties, shall develop and implement a plan for evaluating the effectiveness of strategies funded under this chapter, including new and innovative strategies and existing strategies, that have not previously been subject to rigorous evaluation methodologies.

''(2) METHODOLOGY.—The plan described in paragraph (1) shall require such evaluations to use rigorous methodologies, particularly random assignment (where practicable), that are capable of producing scientifically valid knowledge regarding which program activities are effective in preventing and reducing violent and drug-related crime in public and other federally assisted low-income housing.''.

SEC. 5. SENSE OF THE SENATE REGARDING THE CREATION OF A NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) FINDINGS.—Congress finds the following:

(1) Only 1 in 4 eligible households receives Federal rental assistance.

(2) The number of families facing severe housing cost burdens grew by almost 2,000,0000 households between 2001 and 2004.

(3) 1 in 3 families spend more than 30 percent of their earnings on housing costs.

(4) More than 75 percent of renter households with severe housing affordability burdens are extremely low-income families.

(5) More than half of extremely low-income households pay at least half of their income on housing.

(6) At least 500,000 Americans are homeless every day.

(7) 2,000,000 to 3,000,0000 Americans are homeless for various lengths of time each year.

(8) It is estimated that the development of an average housing unit creates on average more than 3 jobs and the development of an average multifamily unit creates on average more than 1 job.

(9) It is estimated that over $80,000 is produced in government revenue for an average single family unit built and over $30,000 is produced in government revenue for an average multifamily unit built.

(10) The Bipartisan Millennial Housing Commission stated that ''the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress shall create a national affordable housing trust fund with the purpose of supplying 1,500,000 additional affordable housing units over the next 10 years;

(2) such a trust fund shall contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low-income and very low-income families; and

(3) such a trust fund shall contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

SEC. 6. OFFSETS.

(a) REPEAL OF MULTIYEAR PROCUREMENT AUTHORITY FOR F–22A RAPTOR FIGHTER AIRCRAFT.—Effective as of October 17, 2006, section 134 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), relating to multiyear procurement authority for F–22A Raptor fighter aircraft, is repealed.

(b) ADVANCED RESEARCH FOR FOSSIL FUELS.—Notwithstanding any other provision of law, the Secretary of Energy shall not carry out any program that conducts, or provides assistance for, applied research for fossil fuels.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 429. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized several times throughout the years.

The Act provides authority for a range of programs and services designed to improve the health care status of the native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 22 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2004 Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 119 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 86 percent higher than the rate for the entire State, and the mortality rate for hypertension is 46 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 429

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 ''Native Hawaiian Health Care Improvement Reauthorization Act of 2007''.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

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

''SEC. 2. FINDINGS.

''(a) IN GENERAL.—Congress finds that—

''(1) Native Hawaiians begin their story with the Kumulipo, which details the creation and interrelationship of all things, including the evolvement of Native Hawaiians as healthy and well people;

''(2) Native Hawaiians—

''(A) are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean; and

''(B) have a distinct society that was first organized almost 2,000 years ago;

''(3) the health and well-being of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands and seas;

''(4) the long-range economic and social changes in Hawai'i over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

''(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

''(6) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

''(7) in referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawai'i;

''(8) the constitution and statutes of the State of Hawai'i—

''(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

''(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

''(9) at the time of the arrival of the first nonindigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

''(10) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i;

''(11) throughout the 19th century until 1893, the United States—

''(A) recognized the independence of the Hawaiian Nation;

''(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

''(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

''(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawai'i, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawai'i;

''(13) in pursuance of that conspiracy—

''(A) the United States Minister and the naval representative of the United States caused armed forces of the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawai'i; and

''(B) after that overthrow, the United States Minister extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawai'i or the lawful Government of Hawai'i, in violation of—

''(i) treaties between the Government of Hawai'i and the United States; and

''(ii) international law;

''(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

''(A) reported fully and accurately on those illegal actions;

''(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

''(C) concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair';

''(15) Queen Lili'uokalani, the lawful monarch of Hawai'i, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawai'i, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

''(16) in 1993, Congress enacted Public Law 103–150 (107 Stat. 1510), in which Congress—

''(A) acknowledged the significance of those events; and

''(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawai'i with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

''(17) between 1897 and 1898, when the total Native Hawaiian population in Hawai'i was less than 40,000, more than 38,000 Native Hawaiians signed petitions (commonly known as 'Ku'e Petitions') protesting annexation by the United States and requesting restoration of the monarchy;

''(18) despite Native Hawaiian protests, in 1898, the United States—

''(A) annexed Hawai'i through Resolution No. 55 (commonly known as the 'Newlands Resolution') (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawai'i or the sovereign government of those people; and

''(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

''(19) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the '1900 Organic Act') (31 Stat. 141, chapter 339), the United States—

''(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

''(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from that land be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawai'i;

''(20) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

''(A) designated 200,000 acres of the ceded public land for exclusive homesteading by Native Hawaiians; and

''(B) affirmed the trust relationship between the United States and Native Hawaiians, as expressed by Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.';

''(21) in 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781), a provision—

''(A) to lease land within the extension to Native Hawaiians; and

''(B) to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance';

''(22) under the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

''(A) transferred responsibility for the administration of the Hawaiian home lands to the State; but

''(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

''(23) under the Act referred to in paragraph (22), the United States—

''(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

''(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

''(24) in 1978, the people of Hawai'i—

''(A) amended the constitution of Hawai'i to establish the Office of Hawaiian Affairs; and

''(B) assigned to that Office the authority—

''(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

''(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 6);

''(iii) to act as the lead State agency for matters affecting the Native Hawaiian people; and

''(iv) to formulate policy on affairs relating to the Native Hawaiian people;

''(25) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawai'i;

''(26) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of Kahoʻolawe to custodial management by the State in 1994;

''(27) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people;

''(28) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

''(29) health initiatives implemented by those and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

''(A) providing comprehensive disease prevention;

''(B) providing health promotion activities; and

''(C) increasing the number of Native Hawaiians in the health and allied health professions;

''(30) those accomplishments have been achieved through implementation of—

''(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100–579); and

''(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1948);

''(31) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

''(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

''(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

''(32) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the provision of services to Native Hawaiians, specifically—

''(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

''(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

''(C) the Veterans' Benefits and Services Act of 1988 (Public Law 100–322);

''(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

''(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

''(F) the Health Professions Reauthorization Act of 1988 (Public Law 100–607; 102 Stat. 3122);

''(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100–607; 102 Stat. 3153);

''(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100–630);

''(I) the Indian Health Care Amendments of 1988 (Public Law 100–713); and

''(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101–527);

''(33) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99–570);

''(34) in addition, the United States—

''(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawai'i, are a unique population group in Hawai'i and in the continental United States; and

''(B) has so declared in—

''(i) the documents of the Office of Management and Budget entitled—

''(I) 'Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity' and dated October 30, 1997; and

''(II) 'Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity' and dated December 15, 2000;

''(ii) the document entitled 'Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement' (Bulletin 00-02 to the Heads of Executive Departments and Establishments) and dated March 9, 2000;

''(iii) the document entitled 'Questions and Answers when Designing Surveys for Information Collections' (Memorandum for the President's Management Council) and dated January 20, 2006;

''(iv) Executive order number 13125 (64 Fed. Reg. 31105; relating to increasing participation of Asian Americans and Pacific Islanders in Federal programs) (June 7, 1999);

''(v) the document entitled 'HHS Tribal Consultation Policy' and dated January 2005; and

''(vi) the Department of Health and Human Services Intradepartment Council on Native American Affairs, Revised Charter, dated March 7, 2005; and

''(35) despite the United States having expressed in Public Law 103–150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

''(A) the unmet health needs of the Native Hawaiian people remain severe; and

''(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

''(b) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

''(1) CHRONIC DISEASE AND ILLNESS.—

''(A) CANCER.—

''(i) IN GENERAL.—With respect to all cancer—

''(I) as an underlying cause of death in the State, the cancer mortality rate of Native Hawaiians of 218.3 per 100,000 residents is 50 percent higher than the rate for the total population of the State of 145.4 per 100,000 residents;

''(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, and rectum, and for all cancers combined;

''(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, breast, colon, rectum, pancreas, stomach, ovary, liver, cervix, kidney, and uterus, and for all cancers combined; and

''(IV) for the period of 1995 through 2000—

''(aa) the cancer mortality rate for all cancers for Native Hawaiian males of 217 per 100,000 residents was 22 percent higher than the rate for all males in the State of 179 per 100,000 residents; and

''(bb) the cancer mortality rate for all cancers for Native Hawaiian females of 192 per 100,000 residents was 64 percent higher than the rate for all females in the State of 117 per 100,000 residents.

''(ii) BREAST CANCER.—With respect to breast cancer—

''(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 per 100,000 residents), which is 33 percent higher than the rate for Caucasian Americans (23.07 per 100,000 residents) and 106 percent higher than the rate for Chinese Americans (14.96 per 100,000 residents); and

''(II) nationally, Native Hawaiians have the third-highest mortality rate as a result of breast cancer (25.0 per 100,000 residents), behind African Americans (31.4 per 100,000 residents) and Caucasian Americans (27.0 per 100,000 residents).

''(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 per 100,000 residents), followed by Filipino Americans (2.69 per 100,000 residents) and Caucasian Americans (2.61 per 100,000 residents).

''(iv) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which are higher than the rates for the total population of the State by 48 percent for males and 93 percent for females.

''(v) PROSTATE CANCER.—Native Hawaiian males have the third-highest mortality rate as a result of prostate cancer in the State (21.48 per 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 per 100,000 residents).

''(B) DIABETES.—With respect to diabetes, in 2004—

''(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitis (28.9 per 100,000 residents) in the State, which is 119 percent higher than the rate for all racial groups in the State (13.2 per 100,000 residents);

''(ii) the prevalence of diabetes for Native Hawaiians was 12.7 percent, which is 87 percent higher than the total prevalence for all residents of the State of 6.8 percent; and

''(iii) a higher percentage of Native Hawaiians with diabetes experienced diabetic retinopathy, as compared to other population groups in the State.

''(C) ASTHMA.—With respect to asthma and lower respiratory disease—

''(i) in 2004, mortality rates for Native Hawaiians (31.6 per 100,000 residents) from chronic lower respiratory disease were 52 percent higher than rates for the total population of the State (20.8 per 100,000 residents); and

''(ii) in 2005, the prevalence of current asthma in Native Hawaiian adults was 12.8 percent, which is 71 percent higher than the prevalence of the total population of the State of 7.5 percent.

''(D) CIRCULATORY DISEASES.—

''(i) HEART DISEASE.—With respect to heart disease—

''(I) in 2004, the mortality rate for Native Hawaiians as a result of heart disease (305.5 per 100,000 residents) was 86 percent higher than the rate for the total population of the State (164.3 per 100,000 residents); and

''(II) in 2005, the prevalence for heart attack was 4.4 percent for Native Hawaiians, which is 22 percent higher than the prevalence for the total population of 3.6 percent.

''(ii) CEREBROVASCULAR DISEASES.—With respect to cerebrovascular diseases—

''(I) the mortality rate from cerebrovascular diseases for Native Hawaiians (75.6 percent) was 64 percent higher than the rate

for the total population of the State (46 percent); and

''(II) in 2005, the prevalence for stroke was 4.9 percent for Native Hawaiians, which is 69 percent higher than the prevalence for the total population of the State (2.9 percent).

''(iii) OTHER CIRCULATORY DISEASES.—With respect to other circulatory diseases (including high blood pressure and atherosclerosis)—

''(I) in 2004, the mortality rate for Native Hawaiians of 20.6 per 100,000 residents was 46 percent higher than the rate for the total population of the State of 14.1 per 100,000 residents; and

''(II) in 2005, the prevalence of high blood pressure for Native Hawaiians was 26.7 percent, which is 10 percent higher than the prevalence for the total population of the State of 24.2 percent.

''(2) INFECTIOUS DISEASE AND ILLNESS.—With respect to infectious disease and illness—

''(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

''(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than the incidence for any other non-Caucasian group in the State.

''(3) INJURIES.—With respect to injuries—

''(A) the mortality rate for Native Hawaiians as a result of injuries (32 per 100,000 residents) is 16 percent higher than the rate for the total population of the State (27.5 per 100,000 residents);

''(B) 32 percent of all deaths of individuals between the ages of 18 and 24 years resulting from injuries were Native Hawaiian; and

''(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

''(4) DENTAL HEALTH.—With respect to dental health—

''(A) Native Hawaiian children experience significantly higher rates of dental caries and unmet treatment needs as compared to other children in the continental United States and other ethnic groups in the State;

''(B) the prevalence rate of dental caries in the primary (baby) teeth of Native Hawaiian children aged 5 to 9 years of 4.2 per child is more than twice the national average rate of 1.9 per child in that age range;

''(C) 81.9 percent of Native Hawaiian children aged 6 to 8 have 1 or more decayed teeth, as compared to—

''(i) 53 percent for children in that age range in the continental United States; and

''(ii) 72.7 percent of other children in that age range in the State; and

''(D) 21 percent of Native Hawaiian children aged 5 demonstrate signs of baby bottle tooth decay, which is generally characterized as severe, progressive dental disease in early childhood and associated with high rates of dental disorders, as compared to 5 percent for children of that age in the continental United States.

''(5) LIFE EXPECTANCY.—With respect to life expectancy—

''(A) Native Hawaiians have the lowest life expectancy of all population groups in the State;

''(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average;

''(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be approximately 5 years less than that of the total State population (78.85 years); and

''(D) except as provided in the life expectancy calculation for 1920, Native Hawaiians have had the shortest life expectancy of all major ethnic groups in the United States since 1910.

''(6) MATERNAL AND CHILD HEALTH.—

''(A) IN GENERAL.—With respect to maternal and child health, in 2000—

''(i) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian;

''(ii) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group;

''(iii) Native Hawaiian infant mortality rates (9.8 per 1,000 live births) are—

''(I) the highest in the State; and

''(II) 151 percent higher than the rate for Caucasian infants (3.9 per 1,000 live births); and

''(iv) Native Hawaiians have 1 of the highest infant mortality rates in the United States, second only to the rate for African Americans of 13.6 per 1,000 live births.

''(B) PRENATAL CARE.—With respect to prenatal care—

''(i) as of 2005, Native Hawaiian women have the highest prevalence (20.9 percent) of having had no prenatal care during the first trimester of pregnancy, as compared to the 5 largest ethnic groups in the State;

''(ii) of the mothers in the State who received no prenatal care in the first trimester, 33 percent were Native Hawaiian;

''(iii) in 2005, 41 percent of mothers with live births who had not completed high school were Native Hawaiian; and

''(iv) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

''(C) BIRTHS.—With respect to births, in 2005—

''(i) 45.2 percent of live births to Native Hawaiian mothers were nonmarital, putting the affected infants at higher risk of low birth weight and infant mortality;

''(ii) of the 2,934 live births to Native Hawaiian single mothers, 9 percent were low birth weight (defined as a weight of less than 2,500 grams); and

''(iii) 43.7 percent of all low birth-weight infants born to single mothers in the State were Native Hawaiian.

''(D) TEEN PREGNANCIES.—With respect to births, in 2005—

''(i) Native Hawaiians had the highest rate of births to mothers under the age of 18 years (5.8 percent), as compared to the rate of 2.7 percent for the total population of the State; and

''(ii) nearly 62 percent of all mothers in the State under the age of 19 years were Native Hawaiian.

''(E) FETAL MORTALITY.—With respect to fetal mortality, in 2005—

''(i) Native Hawaiians had the highest number of fetal deaths in the State, as compared to Caucasian, Japanese, and Filipino residents; and

''(ii)(I) 17.2 percent of all fetal deaths in the State were associated with expectant Native Hawaiian mothers; and

''(II) 43.5 percent of those Native Hawaiian mothers were under the age of 25 years.

''(7) BEHAVIORAL HEALTH.—

''(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

''(i)(I) in 2005, Native Hawaiians had the highest prevalence of smoking of 27.9 percent, which is 64 percent higher than the rate for the total population of the State (17 percent); and

''(II) 53 percent of Native Hawaiians reported having smoked at least 100 cigarettes in their lifetime, as compared to 43.3 percent for the total population of the State;

''(ii) 33 percent of Native Hawaiians in grade 8 have smoked cigarettes at least once in their lifetime, as compared to—

''(I) 22.5 percent for all youth in the State; and

''(II) 28.4 percent of residents of the United States in grade 8;

''(iii) Native Hawaiians have the highest prevalence of binge drinking of 19.9 percent, which is 21 percent higher than the prevalence for the total population of the State (16.5 percent);

''(iv) the prevalence of heavy drinking among Native Hawaiians (10.1 percent) is 36 percent higher than the prevalence for the total population of the State (7.4 percent);

''(v)(I) in 2003, 17.2 percent of Native Hawaiians in grade 6, 45.1 percent of Naive Hawaiians in grade 8, 68.9 percent of Native Hawaiians in grade 10, and 78.1 percent of Native Hawaiians in grade 12 reported using alcohol at least once in their lifetime, as compared to 13.2, 36.8, 59.1, and 72.5 percent, respectively, of all adolescents in the State; and

''(II) 62.1 percent Native Hawaiians in grade 12 reported being drunk at least once, which is 20 percent higher than the percentage for all adolescents in the State (51.6 percent);

''(vi) on entering grade 12, 60 percent of Native Hawaiian adolescents reported having used illicit drugs, including inhalants, at least once in their lifetime, as compared to—

''(I) 46.9 percent of all adolescents in the State; and

''(II) 52.8 of adolescents in the United States;

''(vii) on entering grade 12, 58.2 percent of Native Hawaiian adolescents reported having used marijuana at least once, which is 31 percent higher than the rate of other adolescents in the State (44.4 percent);

''(viii) in 2006, Native Hawaiians represented 40 percent of the total admissions to substance abuse treatment programs funded by the State Department of Health; and

''(ix) in 2003, Native Hawaiian adolescents reported the highest prevalence for methamphetamine use in the State, followed by Caucasian and Filipino adolescents.

''(B) CRIME.—With respect to crime—

''(i) during the period of 1992 to 2002, Native Hawaiian arrests for violent crimes decreased, but the rate of arrest remained 38.3 percent higher than the rate of the total population of the State;

''(ii) the robbery arrest rate in 2002 among Native Hawaiian juveniles and adults was 59 percent higher (6.2 arrests per 100,000 residents) than the rate for the total population of the State (3.9 arrests per 100,000 residents);

''(iii) in 2002—

''(I) Native Hawaiian men comprised between 35 percent and 43 percent of each security class in the State prison system;

''(II) Native Hawaiian women comprised between 38.1 percent to 50.3 percent of each class of female prison inmates in the State;

''(III) Native Hawaiians comprised 39.5 percent of the total incarcerated population of the State; and

''(IV) Native Hawaiians comprised 40 percent of the total sentenced felon population in the State, as compared to 25 percent for Caucasians, 12 percent for Filipinos, and 5 percent for Samoans;

''(iv) Native Hawaiians are overrepresented in the State prison population;

''(v) of the 2,260 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age; and

''(vi) based on anecdotal information, Native Hawaiians are estimated to comprise between 60 percent and 70 percent of all jail and prison inmates in the State.

''(C) DEPRESSION AND SUICIDE.—With respect to depression and suicide—

''(i)(I) in 1999, the prevalence of depression among Native Hawaiians was 15 percent, as

compared to the national average of approximately 10 percent; and

''(II) Native Hawaiian females had a higher prevalence of depression (16.9 percent) than Native Hawaiian males (11.9 percent);

''(ii) in 2000—

''(I) Native Hawaiian adolescents had a significantly higher suicide attempt rate (12.9 percent) than the rate for other adolescents in the State (9.6 percent); and

''(II) 39 percent of all Native Hawaiian adult deaths were due to suicide; and

''(iii) in 2006, the prevalence of obsessive compulsive disorder among Native Hawaiian adolescent girls was 17.7 percent, as compared to a rate of—

''(I) 9.2 percent for Native Hawaiian boys and non-Hawaiian girls; and

''(II) a national rate of 2 percent.

''(8) OVERWEIGHTNESS AND OBESITY.—With respect to overweightness and obesity—

''(A) during the period of 2000 through 2003, Native Hawaiian males and females had the highest age-adjusted prevalence rates for obesity (40.5 and 32.5 percent, respectively), which was—

''(i) with respect to individuals of full Native Hawaiian ancestry, 145 percent higher than the rate for the total population of the State (16.5 per 100,000); and

''(ii) with respect to individuals with less than 100 percent Native Hawaiian ancestry, 97 percent higher than the total population of the State; and

''(B) for 2005, the prevalence of obesity among Native Hawaiians was 43.1 percent, which was 119 percent higher than the prevalence for the total population of the State (19.7 percent).

''(9) FAMILY AND CHILD HEALTH.—With respect to family and child health—

''(A) in 2000, the prevalence of single-parent families with minor children was highest among Native Hawaiian households, as compared to all households in the State (15.8 percent and 8.1 percent, respectively);

''(B) in 2002, nonmarital births accounted for 56.8 percent of all live births among Native Hawaiians, as compared to 34 percent of all live births in the State;

''(C) the rate of confirmed child abuse and neglect among Native Hawaiians has consistently been 3 to 4 times the rates of other major ethnic groups, with a 3-year average of 63.9 cases in 2002, as compared to 12.8 cases for the total population of the State;

''(D) spousal abuse or abuse of an intimate partner was highest for Native Hawaiians, as compared to all cases of abuse in the State (4.5 percent and 2.2 percent, respectively); and

''(E)(i) ½ of uninsured adults in the State have family incomes below 200 percent of the Federal poverty level; and

''(ii) Native Hawaiians residing in the State and the continental United States have a higher rate of uninsurance than other ethnic groups in the State and continental United States (14.5 percent and 9.5 percent, respectively).

''(10) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

''(A) in 2003, adult Native Hawaiians had a higher rate of high school completion, as compared to the total adult population of the State (49.4 percent and 34.4 percent, respectively);

''(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and

''(C) in 2004, Native Hawaiians comprised—

''(i) 11.25 percent of individuals who earned bachelor's degrees;

''(ii) 6 percent of individuals who earned master's degrees;

''(iii) 3 percent of individuals who earned doctorate degrees;

''(iv) 7.9 percent of the credited student body at the University of Hawai'i;

''(v) 0.4 percent of the instructional faculty at the University of Hawai'i at Manoa; and

''(vi) 8.4 percent of the instructional faculty at the University of Hawai'i Community Colleges.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

''(2) DISEASE PREVENTION.—The term 'disease prevention' includes—

''(A) immunizations;

''(B) control of high blood pressure;

''(C) control of sexually transmittable diseases;

''(D) prevention and control of chronic diseases;

''(E) control of toxic agents;

''(F) occupational safety and health;

''(G) injury prevention;

''(H) fluoridation of water;

''(I) control of infectious agents; and

''(J) provision of mental health care.

''(3) HEALTH PROMOTION.—The term 'health promotion' includes—

''(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

''(B) cessation of tobacco smoking;

''(C) reduction in the misuse of alcohol and harmful illicit drugs;

''(D) improvement of nutrition;

''(E) improvement in physical fitness;

''(F) family planning;

''(G) control of stress;

''(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

''(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai)).

''(4) HEALTH SERVICE.—The term 'health service' means—

''(A) service provided by a physician, physician's assistant, nurse practitioner, nurse, dentist, or other health professional;

''(B) a diagnostic laboratory or radiologic service;

''(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and, generally, any service associated with enhanced health and wellness);

''(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;

''(E) a transportation service required for adequate patient care;

''(F) a preventive dental service;

''(G) a pharmaceutical and medicament service;

''(H) a mental health service, including a service provided by a psychologist or social worker;

''(I) a genetic counseling service;

''(J) a health administration service, including a service provided by a health program administrator;

''(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;

''(L) an environmental health service, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;

''(M) a primary care service that may lead to specialty or tertiary care; and

''(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

''(5) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

''(A) genealogical records;

''(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

''(C) birth records of the State or any other State or territory of the United States.

''(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means any of up to 8 entities in the State that—

''(A) is organized under the laws of the State;

''(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

''(C) is a public or nonprofit private entity;

''(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

''(E) addresses the health care needs of an island's Native Hawaiian population; and

''(F) is recognized by Papa Ola Lokahi—

''(i) for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this Act for the benefit of Native Hawaiians; and

''(ii) as having the qualifications and the capacity to provide the services and meet the requirements under—

''(I) the contract that each Native Hawaiian health care system enters into with the Secretary under this Act; or

''(II) the grant each Native Hawaiian health care system receives from the Secretary under this Act.

''(7) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary health care provider that—

''(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

''(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

''(C) serves a patient population that—

''(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

''(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

''(D) is recognized by Papa Ola Lokahi as having met each of the criteria described in subparagraphs (A) through (C).

''(8) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

''(9) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization that—

''(A) serves the interests of Native Hawaiians; and

''(B)(i) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

''(ii) is a public or nonprofit private entity.

''(10) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the governmental entity that—

''(A) is established under article XII, sections 5 and 6, of the Hawai'i State Constitution; and

''(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

''(11) PAPA OLA LOKAHI.—

''(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that—

''(i) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

''(ii) governed by a board the members of which may include representation from—

''(I) E Ola Mau;

''(II) the Office of Hawaiian Affairs;

''(III) Alu Like, Inc.;

''(IV) the University of Hawaii;

''(V) the Hawai'i State Department of Health;

''(VI) the Native Hawaiian Health Task Force;

''(VII) the Hawai'i State Primary Care Association;

''(VIII) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

''(IX) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i or Ni'ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

''(X) Ke Ola Mamo, or a health care system serving the island of O'ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

''(XI) Na Pu'uwai or a health care system serving the islands of Moloka'i or Lana'i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

''(XII) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

''(XIII) Hui Malama Ola Na 'Oiwi, or a health care system serving the island of Hawai'i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

''(XIV) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

''(XV) such other member organizations as the Board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

''(B) EXCLUSION.—The term 'Papa Ola Lokahi' does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

''(i) clearly-defined goals and objectives for the contributions the organization will make to—

''(I) Native Hawaiian health care systems; and

''(II) the national policy described in section 4; and

''(ii) an action plan for carrying out those goals and objectives.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(13) STATE.—The term 'State' means the State of Hawaii.

''(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

''(A) who—

''(i) is of Native Hawaiian ancestry; and

''(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

''(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

''(i) direct practical association with Native Hawaiian elders; and

''(ii) oral traditions transmitted from generation to generation.

''SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

''(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawai'i resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

''(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

''(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

''(b) INTENT OF CONGRESS.—It is the intent of Congress that—

''(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

''(2) the United States—

''(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

''(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

''(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), or ocean (kai);

''(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

''(iii) increasing the use of traditional Native Hawaiian foods in—

''(I) the diets and dietary preferences of people, including those of students; and

''(II) school feeding programs;

''(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

''(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

''(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

''(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

''(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

''SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

''(A) to promote comprehensive health promotion and disease prevention services;

''(B) to maintain and improve the health status of Native Hawaiians; and

''(C) to support community-based initiatives that are reflective of holistic approaches to health.

''(2) CONSULTATION.—

''(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

''(i) the Native Hawaiian health care systems;

''(ii) the Native Hawaiian health centers; and

''(iii) the Native Hawaiian community.

''(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

''(3) HEALTH CARE FINANCING STUDY REPORT.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2007, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

''(B) COMPONENTS.—The report shall include—

''(i) information concerning the impact on Native Hawaiian health and well-being of—

''(I) cultural competency;

''(II) risk assessment data;

''(III) eligibility requirements and exemptions; and

''(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers;

''(ii) such other similar information as may be important to improving the health status of Native Hawaiians, as that information relates to health care financing (including barriers to health care); and

''(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

''SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.

''(a) IN GENERAL.—Papa Ola Lokahi—

''(1) shall be responsible for—

''(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

''(B) the training and education of individuals providing health services;

''(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

''(D) the development and maintenance of an institutional review board for all research

projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

''(2) may receive special project funds (including research endowments under section 736 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

''(A) research on the health status of Native Hawaiians; or

''(B) addressing the health care needs of Native Hawaiians; and

''(3) shall serve as a clearinghouse for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians;

''(C) the availability of Native Hawaiian project funds, research projects, and publications;

''(D) the collaboration of research in the area of Native Hawaiian health; and

''(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

''(b) CONSULTATION.—

''(1) IN GENERAL.—The Secretary and the Secretary of each other Federal agency shall—

''(A) consult with Papa Ola Lokahi; and

''(B) provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided by the Secretary to assist in accomplishing the purposes described in section 4.

''(2) COMPONENTS OF ACCOUNTING.—The accounting under paragraph (1)(B) shall include an identification of—

''(A) the amount of funds expended explicitly for and benefitting Native Hawaiians;

''(B) the number of Native Hawaiians affected by those funds;

''(C) the collaborations between the applicable Federal agency and Native Hawaiian groups and organizations in the expenditure of those funds; and

''(D) the amount of funds used for—

''(i) Federal administrative purposes; and

''(ii) the provision of direct services to Native Hawaiians.

''(c) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

''(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts made available under this Act.

''(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent practicable, coordinate and assist the health care programs and services provided to Native Hawaiians under this Act and other Federal laws.

''(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

''(d) TECHNICAL SUPPORT.—Papa Ola Lokahi shall provide statewide infrastructure to provide technical support and coordination of training and technical assistance to—

''(1) the Native Hawaiian health care systems; and

''(2) the Native Hawaiian health centers.

''(e) RELATIONSHIPS WITH OTHER AGENCIES.—

''(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

''(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

''(B) resources or services for the implementation of the national policy described in section 4.

''(2) HEALTH CARE FINANCING.—

''(A) FEDERAL CONSULTATION.—

''(i) IN GENERAL.—Before adopting any policy, rule, or regulation that may affect the provision of services or health insurance coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

''(I) the Native Hawaiian community;

''(II) Papa Ola Lokahi; and

''(III) organizations providing health care services to Native Hawaiians in the State.

''(ii) IDENTIFICATION OF EFFECTS.—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

''(B) STATE CONSULTATION.—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in meaningful consultation with representatives of—

''(i) the Native Hawaiian community;

''(ii) Papa Ola Lokahi; and

''(iii) organizations providing health care services to Native Hawaiians in the State.

''(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.—

''(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

''(I) the Centers for Medicare and Medicaid Services;

''(II) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

''(III) any other Federal agency providing full or partial health insurance to Native Hawaiians.

''(ii) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

''(I) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

''(II) the scope of services; or

''(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

''(3) TRADITIONAL HEALERS.—

''(A) IN GENERAL.—The provision of health services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

''(i) traditional Native Hawaiian healers; or

''(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(B) EXEMPTION.—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

''(i) the Joint Commission on Accreditation of Healthcare Organizations; and

''(ii) the Commission on Accreditation of Rehabilitation Facilities.

''SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

''(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

''(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

''(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

''(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, Kaho'lawe, and Ni'ihau in the State.

''(c) HEALTH SERVICES TO BE PROVIDED.—

''(1) IN GENERAL.—Each recipient of funds under subsection (a) may provide or arrange for—

''(A) outreach services to inform and assist Native Hawaiians in accessing health services;

''(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

''(i) Native Hawaiian health care practitioners;

''(ii) community outreach workers;

''(iii) counselors;

''(iv) cultural educators; and

''(v) other disease prevention providers;

''(C) services of individuals providing health services;

''(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

''(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

''(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

''(d) FEDERAL TORT CLAIMS ACT.—An individual who provides a medical, dental, or other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be—

''(1) treated as if the individual were a member of the Public Health Service; and

''(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

''(e) SITE FOR OTHER FEDERAL PAYMENTS.—

''(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

''(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to the professionals under any Federal loan program.

''(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

''(1) for any service other than a service described in subsection (c)(1);

''(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property); or

''(3) to purchase major medical equipment.

''(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or under a contract—

''(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

''(2) the entity will impose for the delivery of such a health service a charge that is—

''(A) made according to a schedule of charges that is made available to the public; and

''(B) adjusted to reflect the income of the individual involved.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GENERAL GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2007 through 2012.

''(2) PLANNING GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2007 through 2012.

''(3) HEALTH SERVICES.—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2007 through 2012.

''SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

''(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

''(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5;

''(2) training and education for providers of health services;

''(3) identification of and research (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians;

''(4) a clearinghouse function for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians; and

''(C) the availability of Native Hawaiian project funds, research projects, and publications;

''(5) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

''(6) the coordination of the health care programs and services provided to Native Hawaiians; and

''(7) the administration of special project funds.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2007 through 2012.

''SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

''(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of the grant or contract are achieved.

''(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

''(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary shall not make a grant or enter into a contract under this Act with an entity unless the entity—

''(1) agrees to establish such procedures for fiscal control and fund accounting as the Secretary determines are necessary to ensure proper disbursement and accounting with respect to the grant or contract;

''(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

''(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

''(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

''(B) has designated at least 1 individual who is fluent in English and the appropriate language to assist in carrying out the plan;

''(4) with respect to health services that are covered under a program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) (including any State plan), or under any other Federal health insurance plan—

''(A) if the entity will provide under the grant or contract any of those health services directly—

''(i) has entered into a participation agreement under each such plan; and

''(ii) is qualified to receive payments under the plan; and

''(B) if the entity will provide under the grant or contract any of those health services through a contract with an organization—

''(i) ensures that the organization has entered into a participation agreement under each such plan; and

''(ii) ensures that the organization is qualified to receive payments under the plan; and

''(5) agrees to submit to the Secretary and Papa Ola Lokahi an annual report that—

''(A) describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user); and

''(B) provides such other information as the Secretary determines to be appropriate.

''(d) CONTRACT EVALUATION.—

''(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing the contract—

''(A) attempt to resolve the areas of noncompliance or unsatisfactory performance; and

''(B) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

''(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary—

''(A) shall not renew the contract with the entity; and

''(B) may enter into a contract under section 7 with another entity referred to in section 7(a)(3) that provides services to the same population of Native Hawaiians served by the entity the contract with which was not renewed by reason of this paragraph.

''(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

''(4) APPLICATION OF FEDERAL LAWS.—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

''(A) be negotiated without advertising; and

''(B) be exempted from subchapter III of chapter 31, United States Code.

''(5) PAYMENTS.—A payment made under any contract entered into under this Act—

''(A) may be made—

''(i) in advance;

''(ii) by means of reimbursement; or

''(iii) in installments; and

''(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

''(e) REPORT.—

''(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds under a grant or contract under this Act, the entity shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

''(A) the activities conducted by the entity under the grant or contract;

''(B) the amounts and purposes for which Federal funds were expended; and

''(C) such other information as the Secretary may request.

''(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by—

''(A) the Secretary;

''(B) the Inspector General of the Department of Health and Human Services; and

''(C) the Comptroller General of the United States.

''(f) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

''SEC. 10. ASSIGNMENT OF PERSONNEL.

''(a) IN GENERAL.—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

''(1) conducting research; or

''(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

''(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

''SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

''(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service assistance to students who are Native Hawaiians.

''(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees of—

''(1) the Native Hawaiian Health Care Systems; and

''(2) the Native Hawaiian Health Centers.

''(c) TERMS AND CONDITIONS.—

''(1) SCHOLARSHIP ASSISTANCE.—

''(A) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

''(B) NEED.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

''(C) ELIGIBLE APPLICANTS.—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

''(D) OBLIGATED SERVICE REQUIREMENT.—

''(i) IN GENERAL.—An obligated service requirement for each scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

''(I) any of the Native Hawaiian health care systems;

''(II) any of the Native Hawaiian health centers;

''(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State;

''(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian population;

''(V) any public agency or nonprofit organization providing services to Native Hawaiians; or

''(VI) any of the uniformed services of the United States.

''(ii) ASSIGNMENT.—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

''(E) COUNSELING, RETENTION, AND SUPPORT SERVICES.—The provision of academic and personal counseling, retention and other support services—

''(i) shall not be limited to scholarship recipients under this section; and

''(ii) shall be made available to recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

''(F) FINANCIAL ASSISTANCE.—After consultation with Papa Ola Lokahi, financial assistance may be provided to a scholarship recipient during the period that the recipient is fulfilling the service requirement of the recipient in any of—

''(i) the Native Hawaiian health care systems; or

''(ii) the Native Hawaiians health centers.

''(G) DISTANCE LEARNING RECIPIENTS.—A scholarship may be provided to a Native Hawaiian who is enrolled in an appropriate distance learning program offered by an accredited educational institution.

''(2) FELLOWSHIPS.—

''(A) IN GENERAL.—Papa Ola Lokahi may provide financial assistance in the form of a fellowship to a Native Hawaiian health professional who is—

''(i) a Native Hawaiian community health representative, outreach worker, or health program administrator in a professional training program;

''(ii) a Native Hawaiian providing health services; or

''(iii) a Native Hawaiian enrolled in a certificated program provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices (including lomi-lomi, la'au lapa'au, and ho'oponopono).

''(B) TYPES OF ASSISTANCE.—Assistance under subparagraph (A) may include a stipend for, or reimbursement for costs associated with, participation in a program described in that paragraph.

''(3) RIGHTS AND BENEFITS.—An individual who is a health professional designated in section 338A of the Public Health Service Act (42 U.S.C. 254*l*) who receives a scholarship under this subsection while fulfilling a service requirement under that Act shall retain the same rights and benefits as members of the National Health Service Corps during the period of service.

''(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under this section shall be considered to be qualified scholarships for the purpose of section 117 of the Internal Revenue Code of 1986.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (a) and (c)(2) for each of fiscal years 2007 through 2012.

''SEC. 12. REPORT.

''For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 31, United States Code, submit to Congress a report on the progress made in meeting the purposes of this Act, including—

''(1) a review of programs established or assisted in accordance with this Act; and

''(2) an assessment of and recommendations for additional programs or additional assistance necessary to provide, at a minimum, health services to Native Hawaiians, and ensure a health status for Native Hawaiians, that are at a parity with the health services available to, and the health status of, the general population.

''SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

''(a) IN GENERAL.—The Secretary shall permit an organization that enters into a contract or receives grant under this Act to use in carrying out projects or activities under the contract or grant all existing facilities under the jurisdiction of the Secretary (including all equipment of the facilities), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

''(b) DONATION OF PROPERTY.—The Secretary may donate to an organization that enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.

''(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

''SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) AUTHORITY AND AREAS OF INTEREST.—

''(1) IN GENERAL.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts made available under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

''(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

''(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

''(B) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

''(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

''(D) the use of telehealth and telecommunications in—

''(i) chronic and infectious disease management; and

''(ii) health promotion and disease prevention;

''(E) the development of appropriate models of health care for Native Hawaiians and other indigenous people, including—

''(i) the provision of culturally competent health services;

''(ii) related activities focusing on wellness concepts;

''(iii) the development of appropriate kupuna care programs; and

''(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

''(F) the establishment of—

''(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawai'i at Hilo;

''(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawai'i at Manoa;

''(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

''(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

''(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

''(3) CENTERS OF EXCELLENCE.—Papa Ola Lokahi, and any centers established under paragraph (2)(F), shall be considered to be qualified as Centers of Excellence under sections 485F and 903(b)(2)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

''(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

''SEC. 15. RULE OF CONSTRUCTION.

''Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

''SEC. 16. COMPLIANCE WITH BUDGET ACT.

''Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

''SEC. 17. SEVERABILITY.

''If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provision to a person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.''.

By Mr. BOND (for himself, Mr. LEAHY, Mr. NELSON of Nebraska, and Ms. SNOWE):

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; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I introduce legislation about the National Guard with Senator KIT BOND, my fellow co-chair of the Senate's National Guard Caucus, and Senator BEN NELSON, a longtime caucus member and a subcommittee chair of the Senate Armed Services Committee. The National Guard Empowerment Act of 2007 would improve the management of the National Guard, and it will give the Guard more responsibility in improving our defense arrangements at home, where the Guard works in tandem with the Nation's governors to help keep our communities safe. This legislation will strengthen the National Guard, the military, and our Nation, and I believe it is something that deserves our attention and approval.

As Senators, we know all too well the many ways in which our communities rely on the National Guard. The soldiers of the National Guard, like their active duty counterparts, have expended an extraordinary amount of will and sacrifice in the wars in Afghanistan and Iraq. The National Guard comprised almost 50 percent of the forces on the ground in Iraq less than 2 years ago, and now, as the Pentagon plans to implement the President's plans for a troop escalation, the percentage of Guard troops on the ground is set to rise once again.

At the same time, we are constantly witness to the equally heralded work that the National Guard has done to increase security at home. Along with efforts to increase security along both the northern and southern borders, the Guard has bolstered security at special events across the country, including the Olympics, the national political party conventions, and events here in our Nation's capital. Most importantly, the National Guard provided the best—the very best—response of any agency, Federal, State or local, in the disastrous aftermath of Hurricane Katrina, sending tens of thousands of troops to the hardest-hit communities in relatively short order.

When you look at these examples, it is indisputable that the National Guard is only limited in what it can do for us by the authorities, policies, available equipment, responsibilities, and support that we give them.

It is time to give the Guard more tools and support to effectively carry out these responsibilities.

With the knowledge that the use of the National Guard is sure to increase in the future, the President, the Secretary of Defense, and the Chairman of the Joint Chiefs need unfettered and unmediated advice about how to utilize the force, whether balancing both the domestic and overseas missions of the National Guard or using the Guard to support the Nation's governors in domestic emergencies. Given this need for greater input on Guard matters, it is only logical that the leadership within the National Guard should be the ones doing the advising. And, as the Guard becomes more active within the military's total force, it only makes sense to increase the number of Guard generals at the highest reaches of the military command, where key force management decisions are made.

At the same time, the National Guard is in a position to deal with some of the basic missions at home that are simply not being address by the Department of Defense. We have some real heroes at the recently established Northern Command, which is working with various civilian agencies to prevent another attack at home. Yet, the processes to deal with the mission of having military support of civilian authorities in domestic emergencies are as yet undefined.

Northern command, meanwhile, is taking only perfunctory input from the nation's governors who, along with local officials, will bear much of the responsibility in disaster situations. Five years after September 11, we cannot wait to give more definition to how the military will support civil authorities in an emergency, and we cannot wait until an actual emergency to inform State governors about what resources are available to them. With some new authorities, we can give the Guard the mission of leading the effort to support civilian authorities at home and in working with the States and governors to plan for such disasters.

Elevating the National Guard bureaucratically, increasing the quality advice on the Guard to the senior command, and improving response to domestic emergencies are exactly what the provisions of the National Guard Empowerment Act will accomplish.

First, the National Guard Empowerment Act elevates the Chief of the National Guard Bureau from the rank of lieutenant general to general with four-stars, with a seat on the Joint Chiefs of Staff. This move will give the Nation's governors and adjutants general a straight line of communication to the Joint Chiefs Chairman, the Secretary of Defense, and the President. Having personnel with more knowledge and experience with the Guard involved in key budget and policy deliberations, the branches of the active duty services will be less willing to try to balance budgets on the back of the reserve forces like the Guard, which only goes against our overall ability to respond.

Second, the act gives the National Guard the responsibility of working with the States to identify gaps in their response capabilities, of setting equipment requirements, and procuring these much needed items. The act will ensure that a National Guard commander is the deputy commander of Northern Command and that the Guard—and thus, in turn, the governors—work in tandem with the command to set out specific plans to support our elected and civilian leaders in an emergency.

Let me be clear about what this legislation does not do. The Guard Empowerment Act does not make the National Guard a separate armed service. The Guard will remain an integral partner of the Army and the Air Force. Nor is the act some kind of wanton power grab. Instead, the act would bring the National Guard's bureaucratic position in line with what it is already doing and what we will expect of it in the future. Passage of the act will, utmost, not disturb or undermine our defense arrangements. Rather, it will empower the entire military to deal with critically important problems that it is simply not addressing.

This legislation has been carefully crafted over the past year and a half, and it incorporates the input we received from the adjutants general, the National Guard leadership, the governors, and key officers across the defense establishment. I would like to submit for the RECORD letters of support from the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Adjutants General Association of the United States.

This drive to empower the Guard is also gaining momentum in Congress. Since 9/11 we have been asking the Guard to do more and more, and they have superbly handled their dual role at home and abroad. But strains are showing in the system. The Guard is a 21st century military organization that has to operate under a 20th century bureaucracy. The Guard's ability to help the Nation is limited only by the resources, authorities, and responsibility we give it. Let us put the trust in the men and women of the Guard that they have deserved and earned, by giving them the seat at the table that they need.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, January 25, 2007.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The National Guard Association of the United States continues to support the critical changes that were included in the National Defense Enhancement and National Guard Empowerment Act of 2006. We appreciate your efforts, along with Senator Bond, in introducing a new bill in the Senate that incorporates these same areas of concern.

S. 2658 was a bold step in the last session to provide the National Guard with an adequate voice in the deliberations of the Department of Defense as together we meet the future threats to the nation, both here at home and overseas.

As you know, NGAUS worked vigorously in 2006 to secure passage of S. 2658 and we have continued that aggressive support in hearings before the Commission on the National Guard and Reserve. While we regret that their deliberations have created some delay

in implementing these key solutions to National Guard issues we remain hopeful that they too will recognize the wisdom contained in the National Guard Empowerment Act of 2007.

Thank you for your assistance on behalf of the National Guard. Please let us know how we may be of further assistance in this endeavor.

Sincerely,

STEPHEN M. KOPER,
Brigadier General (Ret), President.

JANUARY 30, 2007.

Hon. BEN NELSON,
U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. KIT BOND,
U.S. Senate, Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

As you are most certainly aware the Adjutants General of the 54 states, territories, and District of Columbia have provided trained and ready National Guard forces to protect the nation inside and outside of its borders in unprecedented numbers since 9/11. Since then we have sought reform within the Department of Defense for the National Guard to fully transform from a strategic reserve to an operational reserve.

We are united in support of the National Guard Empowerment Act of 2007. The legislation contains key elements that will enhance the ability of the National Guard to equip and train for its dual role missions. Elevating the Chief, National Guard Bureau to four-star rank is needed to ensure representation at the highest levels when addressing homeland security and National Guard usage. Making the National Guard Bureau a joint activity in DoD responds directly to White House recommendations contained in its report on Hurricane Katrina. A greater National Guard presence is needed at USNORTHCOM. Your legislation does this by requiring the deputy commander to be a National Guard general. Other provisions deal with expanding opportunities for National Guard leaders to compete for top level assignments. Finally, the legislation focuses on identifying and correcting critical gaps in resources needed to protect U.S. citizens.

Recent events have demonstrated again what we all already know that the National Guard will continue to be needed at unprecedented levels for missions impossible to contemplate. The National Guard will be part of the build up in Iraq to finally defeat terrorist and sectarian elements which will require extraordinary sacrifices by families and employers. The National Guard continues to assist in securing the nation's southwest border.

The National Guard Empowerment Act of 2007 is comprehensive and visionary. It acknowledges how the nature of warfare and national security has changed and offers bold changes to reshape military leadership to meet new threats. Testimony from DoD's highest leaders to the Commission on National Guard and Reserve in December indicates that no other plan is in work to strengthen the voice of the National Guard in the halls of the Pentagon.

You can count on support from the Adjutants General Association of the United States in seeking critical changes that will assure a strong National Guard ready to serve this great nation domestically and fighting terrorism.

Sincerely,

ROGER P. LEMPKE,
Major General, President.

EANGUS,
Alexandria, VA, January 25, 2007.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER BOND,
U.S. Senate, Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airmen in the Army and Air National Guard. With a constituency base of over 414,000 soldiers and airmen, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, and the soldiers and airmen it represents, I'd like to communicate our support for legislation to elevate the position of Chief National Guard Bureau to General, to place the Chief on the Joint Chiefs of Staff, and to enhance the responsibilities of the Chief of the National Guard Bureau and the functions of the National Guard Bureau. For years, the Chief of the National Guard Bureau, and the National Guard as a whole, has deliberately been in the shallow end of the resource pool, bearing the brunt of budget cuts to the Army and Air Force, and having to ''take it out of hide'' to accomplish federal and state missions that were required by statute but not fully funded by the services or Department of Defense.

Our association stands firm in support of Congressional action to remedy this long-endured and untenable situation. The lack of trust and respect of the National Guard by DOD political and military leaders, as well as the service secretaries, the consistent under-funding of National Guard appropriations accounts, and the intentional lack of communication and coordination all have the probability of being rectified by this legislation by making the National Guard a full player in the decision-making and appropriations process.

Thank you for taking legislative action that is not only timely, but unfortunately necessary, and long overdue. We look forward to working with your staff as this legislation works its way into law.

Working for America's Best!

MSG MICHAEL P. CLINE, USA (RET),
Executive Director.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 431. A bill to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator SCHUMER, in sponsoring the ''Keeping the Internet Devoid of Sexual-Predators Act of 2007,'' otherwise known as the KIDS Act. This bill would require a convicted sex offender to register any e-mail address, instant message address or other similar Internet identifying information the sex offender uses or may use with the Department of Justice's National Sex Offender Registry. This information would then be made available to commercial social networking websites for the purpose of screening the website's user database to ensure convicted sex offenders are not using the website to prey on innocent children.

The Internet is likely the greatest invention of the 21st century; however, it has also brought ready access to millions of children by would be pedophiles. There are thousands of social networking websites and chat rooms where children post personal information about themselves hoping to connect with other children. Many children who access the Internet in a safe environment, such as their home or school, combined with the natural trust of a child, forget that they are sharing personal information with complete strangers. This allows strangers that a child would likely never speak with in the ''real world'' to prey on children more easily.

In a Pew Internet and American Life survey released earlier this month, 55 percent of adolescents polled said they have posted a profile on a social networking website, and 48 percent of adolescents polled say they visit a social networking website every day. These statistics prove that the fight to protect our children from sexual predators has moved from the playground to the Internet.

For this reason, Senator SCHUMER and I are introducing legislation that would enable social networking websites to protect their young users from convicted sex offenders. By requiring sex offenders to register e-mail addresses and other Internet identifying information with the Department of Justice, and allowing the Department to offer this information to commercial social networking websites, Congress is providing websites with the tools to come forth with innovative solutions to protect children. A similar proposal was included in S. 4089, the Stop the Exploitation of Our Children Act of 2006, which I introduced on December 6, 2006.

According to the same Pew Internet and American life survey, fully 85 percent of adolescents who have created an online profile say the profile they use or update most often is on MySpace, while 7 percent update a profile on Facebook. Consequently, I am pleased to report that both MySpace and Facebook endorse the KIDS Act. I look forward to other commercial social networking websites endorsing the bill and using the registry information after the bill is signed into law. Additionally, the bill is endorsed by the American Family Association. We all know that engaged parents are the best deterrent against sexual predators looking to prey on our children on the Internet. Parents that monitor their children's access to the Internet or are present when the child or adolescent is on-line are able to better ensure their children are not drawn into inappropriate online conversations with sexual predators.

Last week I received an e-mail from a police detective who investigates Internet sex crimes in Ohio. The detective gave his full endorsement for this legislation stating, ''What a great idea . . . [Congress] continues to arm us with great legislation to help protect our nation's children.'' I agree and

hope my colleagues will join with Senator SCHUMER and me in supporting this bill to give websites and law enforcement this important tool in their fight to protect our children.

By Mr. OBAMA:

S. 433. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, there are countless reasons that the American people have lost confidence in the President's Iraq policy, but chief among them has been the Administration's insistence on making promises and assurances about progress and victory that have no basis whatsoever in the reality of the facts on the ground.

We have been told that we would be greeted as liberators. We have been promised that the insurgency was in its last throes. We have been assured again and again that we were making progress, that the Iraqis would soon stand up, that our brave sons and daughters could soon stand down. We have been asked to wait, and asked to be patient, and asked to give the President and the new Iraqi government six more months, and then six more months after that, and then six more months after that.

Despite all of this, a change of course still seemed possible. Back in November, the American people had voted for a new direction in Iraq. Secretary Rumsfeld was on his way out at the Pentagon. The Iraq Study Group was poised to offer a bipartisan consensus. The President was conducting his own review. After years of missteps and mistakes, it was time for a responsible policy grounded in reality, not ideology.

Instead, the President ignored the counsel of expert civilians and experienced soldiers, the hard-won consensus of prominent Republicans and Democrats, and the clear will of the American people.

The President's decision to move forward with this escalation anyway, despite all evidence and military advice to the contrary, is the terrible consequence of the decision to give him the broad, open-ended authority to wage this war in 2002. Over four years later, we cannot revisit that decision or reverse its outcome, but we can do what we didn't back then and refuse to give this President more open-ended authority for this war.

The U.S. military has performed valiantly and brilliantly in Iraq. Our troops have done all we have asked them to do and more. But no quantity of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

I cannot in good conscience support this escalation. As the President's own military commanders have said, escalation only prevents the Iraqis from taking more responsibility for their own future. It's even eroding our efforts in the wider war on terror, as some of the extra soldiers could come directly from Afghanistan, where the Taliban has become resurgent.

The course the President is pursuing fails to recognize the fundamental reality that the solution to the violence in Iraq is political, not military. He has offered no evidence that more U.S. troops will be able to pressure Shiites, Sunnis, and Kurds towards the necessary political settlement, and he's attached no conditions or consequences to his plan should the Iraqis fail to make progress.

In fact, just a few weeks ago, when I repeatedly asked Secretary Rice what would happen if the Iraqi government failed to meet the benchmarks that the Administration has called for, she could not give me an answer. When I asked her if there were any circumstances whatsoever in which we would tell the Iraqis that their failure to make progress would mean the end of our military commitment, she still could not give me an answer.

This is not good enough. When you ask how many more months and how many more lives it will take to end a policy that everyone knows has failed, ''I don't know'' isn't good enough.

Over the past four years, we have given this Administration chance after chance to get this right, and they have disappointed us so many times. That is why Congress now has the duty to prevent even more mistakes. Today, I am introducing legislation that rejects this policy of escalation, and implements a comprehensive approach that will promote stability in Iraq, protect our interests in the region, and bring this war to a responsible end.

My legislation essentially puts into law the speech I gave in November, 2006, and is, I believe, the best strategy for going forward.

The bill implements—with the force of law—a responsible redeployment of our forces out of Iraq, not a precipitous withdrawal. It implements key recommendations of the bipartisan Iraq Study Group. It applies real leverage on the Iraqis to reach the political solution necessary to end the sectarian violence that is tearing Iraq apart. It holds the Iraqi government accountable, making continued U.S. support conditional on concrete Iraqi progress. It respects the role of military commanders, while fulfilling Congress's responsibility to uphold the Constitution and heed the will of the American people.

First, this legislation caps the number of U.S. troops in Iraq at the number in Iraq on January 10, 2007—the day the President gave his ''surge speech'' to the nation. This cap could not be lifted without explicit authorization by the Congress.

Yet our responsibilities to the American people and to our servicemen and women go beyond opposing this ill-conceived escalation. We must fashion a comprehensive strategy to accomplish what the President's surge fails to do: pressure the Iraqi government to reach a political settlement, protect our interests in the region, and bring this war to a responsible end.

That is why my legislation commences a phased redeployment of U.S. troops to begin on May 1, 2007 with a goal of having all combat brigades out of Iraq by March 31, 2008, a date that is consistent with the expectation of the Iraq Study Group. The legislation provides exceptions for force protection, counterterrorism, and training of Iraqi security forces.

To press the Iraqi government to act, this drawdown can be suspended for 90-day periods if the President certifies and the Congress agrees that the Iraqi government is meeting specific benchmarks and the suspension is in the national security interests of the United States. These benchmarks include: Meeting security responsibilities. The Iraqi government must deploy brigades it promised to Baghdad, lift restrictions on the operations of the U.S. military, and make significant progress toward assuming full responsibility for the security of Iraq's provinces. Cracking down on sectarian violence. The Iraqi government must make significant progress toward reducing the size and influence of sectarian militias, and the presence of militia elements within the Iraqi Security Forces. Advancing national reconciliation. The Iraqi government must pass legislation to share oil revenues equitably; revise de-Baathification to enable more Iraqis to return to government service; hold provisional elections by the end of the year; and amend the Constitution in a manner that sustains reconciliation. Making economic progress. The Iraqi government must make available at least $10,000,000,000 for reconstruction, job creation, and economic development as it has promised to do. The allocation of these resources, the provision of services, and the administration of Iraqi Ministries must not proceed on a sectarian basis.

These benchmarks reflect actions proposed by the President and promised by the Iraqi government. It is time to hold them accountable.

Recognizing that the President has not been straightforward with the American people about the war in Iraq, my legislation allows the Congress—under expedited procedures—to overrule a Presidential certification and continue the redeployment.

Time and again, we have seen deadlines for Iraqi actions come and go—with no consequences. Time and again we have heard pledges of progress from the administration—followed by a descent into chaos. The commitment of U.S. troops to Iraq represents our best leverage to press the Iraqis to act. And the further commitment of U.S. economic assistance to the Government of Iraq must be conditional on Iraqi action.

As the U.S. drawdown proceeds, my legislation outlines how U.S. troops

should be redeployed back to the United States and to other points in the region. In the region, we need to maintain a substantial over-the-horizon force to prevent the conflict in Iraq from becoming a wider war, to reassure our allies, and to protect our interests. And we should redeploy forces to Afghanistan, so we not just echo—but answer—NATO's call for more troops in this critical fight against terrorism.

Within Iraq, we may need to maintain a residual troop presence to protect U.S. personnel and facilities, go after international terrorists, and continue training efforts. My legislation allows for these critical but narrow exceptions as the redeployment proceeds and is ultimately completed.

My legislation makes it U.S. policy to undertake a comprehensive diplomatic strategy to promote a political solution within Iraq, and to prevent wider regional strife. This diplomatic effort must include our friends in the region, but it should also include Syria and Iran, who need to be part of the conversation about stabilizing Iraq. Not talking is getting us nowhere. Not talking is not making us more secure, nor is it weakening our adversaries.

The President should appoint a special envoy with responsibility to implement this regional engagement. And as we go forward, we must make it clear that redeployment does not mean disengagement from the region. On the contrary, it is time for a more comprehensive engagement that skillfully uses all tools of American power.

Finally, my legislation compels the President to formulate a strategy to prevent the war in Iraq from becoming a wider conflagration.

Let me conclude by saying that there are no good options in Iraq. We cannot undo the mistake of that congressional authorization, or the tragedies of the last four years.

Just as I have been constant in my strong opposition to this war, I have consistently believed that opposition must be responsible. As reckless as we were in getting into Iraq, we have to be as careful getting out. We have significant strategic interests in Iraq and the region. We have a humanitarian responsibility to help the Iraqi people. Above all, we have an obligation to support our courageous men and women in uniform—and their families back home—who have sacrificed beyond measure.

It is my firm belief that the responsible course of action—for the United States, for Iraq, and for our troops—is to oppose this reckless escalation and to pursue a new policy. This policy is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in November.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience, is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried and failed policy opposed by generals and experts, Democrats and Republicans, Americans and even the Iraqis themselves. It is time to change our policy. It is time to give Iraqis their country back. And it is time to refocus America's efforts on the wider struggle against terror yet to be won.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REED, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LEAHY, Mr. COLEMAN, and Mr. INOUYE):

S. 434. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, since the passage of the Children's Health Insurance Program, or CHIP, in 1997, a group of States that expanded coverage to children in Medicaid prior to the enactment of CHIP has been unfairly penalized for that expansion. States are not allowed to use the enhanced matching rate available to other States for children at similar levels of poverty under the act. As a result, a child in the States of New York, Florida, and Pennsylvania, because they were grandfathered in the original act or in Iowa, Montana, or a number of other States at 134 percent of poverty is eligible for an enhanced matching rate in CHIP but that has not been the case for States such as New Mexico, Vermont, Washington, Rhode Island, Hawaii, and a number of others, including Connecticut, Tennessee, Minnesota, New Hampshire, Wisconsin, and Maryland.

As the health policy statement by the National Governors' Association reads, ''The Governors believe that it is critical that innovative states not be penalized for having expanded coverage to children before the enactment of S–CHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage of the majority of uninsured children in their states.''

For 6 years, our group of States have sought to have this inequity addressed. Early in 2003, I introduced the ''Children's Health Equity of 2003'' with Senators JEFFORDS, MURRAY, LEAHY, and Ms. CANTWELL and we worked successfully to get a compromise worked out for inclusion in S. 312 by Senators ROCKEFELLER, and CHAFEE. This compromise extended expiring CHIP allotments only for fiscal years 1998 through 2001 in order to meet budgetary caps.

The compromise allowed States to be able to use up to 20 percent of our State's CHIP allotments to pay for Medicaid eligible children about 150 percent of poverty that were part of our State's expansions prior,to the enactment of CHIP. That language was maintained in conference and included in H.R. 2854 that was signed by the President as Public Law 108–74. Unfortunately, a slight change was made in the conference language that excluded New Mexico and Hawaii, Maryland, and Rhode Island needed specific changes so an additional bill was passed, H.R. 3288, and signed into law as Public Law 108–107, on November 17, 2003. This second bill included language from legislation that I introduced with Senator DOMENICI, S. 1547, to address the problem caused to New Mexico by the conference committee's change. Unfortunately, one major problem with the compromise was that it must be periodically reauthorized. Most recently, this authority was renewed through Fiscal Year 2007 in Section 201(b) of the National Institutes of Health Reform Act of 2006, Pub. L. No 109–482. Without future authority, the inequity would continue with CHIP allotments.

This legislation would address that problem and ensure that all future allotments give these 11 States the flexibility to use up to 20 percent of our CHIP allotments to pay for health care services of children. In order to bring these requirements in-line with those of other states, it also would lower the threshold at which New Mexico and other effected states could utilize the funds from 150 percent of the Federal poverty level to 125 percent.

This rather technical issue has real and negative consequences in States such as New Mexico. In fact, due to the CHIP inequity, New Mexico has been allocated $266 million from CHIP between fiscal years 1998 and 2002, and yet, has only been able to spend slightly over $26 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend less than 10 percent of its federal CHIP allocations.

This legislation would correct this problem.

The bill does not take money from other States's CHIP allotments. It simply allows our States to spend our States' specific CHIP allotments from the Federal Government on our uninsured children—just as other States across the country are doing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 434

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 ''Children's Health Equity Technical Amendments Act of 2007''.

SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C.

1397ee(g)(1)(A)), as amended by section 201(b) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482) is amended by striking ''fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007'' and inserting ''a fiscal year''.

(b) MODIFICATION OF ALLOWABLE EXPENDITURES.—Section 2105(g)(1)(B)(ii) of such Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) is amended by striking ''150'' and inserting ''125''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply to expenditures made on or after that date.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. LEVIN, Mr. SPECTER, Mr. NELSON of Nebraska, and Mr. SANDERS):

S. 435. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

Mr. BINGAMAN. Mr. President, I rise today with 12 other senators to introduce the bipartisan Essential Air Service Preservation Act of 2007. I am pleased again to have my colleague Senator SNOWE as the principal cosponsor of the bill. Senator SNOWE has been a long-time champion of commercial air service in rural areas, and I appreciate her continued leadership on this important legislation. Senators DORGAN, ENZI, COLLINS, HAGEL, HARKIN, SCHUMER, LEAHY, LEVIN, SPECTER, BEN NELSON, and SANDERS are also cosponsors of the bill.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation would continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

Our bill is very simple. It preserves Congress' intent in the Essential Air Service program by repealing a provision in the 2003 FAA reauthorization bill that would for the first time require communities to pay for their commercial air service. The legislation that imposed mandatory cost sharing on communities to retain their commercial air service had been stricken from both the House and Senate versions of the FAA reauthorization bill, but was reinserted by conferees. I believe that any program that forces communities to pay to continue to receive their commercial air service could well be the first step in the total elimination of scheduled air service for many rural communities.

In response, every year since mandatory cost sharing was enacted Congress has blocked it from being implemented. Since 2003, a bipartisan group of senators have included language in each of the Department of Transportation's appropriations acts that bars the use of funds to implement the mandatory cost sharing program. Our bill would simply make Congress' ongoing ban permanent.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

The Essential Air Service Program currently ensures commercial air service to over 100 communities in thirty-five States. EAS supports an additional 39 communities in Alaska. Because of increasing costs and the continuing financial turndown in the aviation industry, particularly among commuter airlines, about 40 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the State's business center and largest city.

I believe this ill-conceived proposal requiring cities to pay to continue to have commercial air service could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

As I understand it, the mandatory cost-sharing requirements could affect communities in as many as 22 states. These communities could be forced to pay as much s $130,000 per year to maintain their current air service. Based on an analysis by my staff, the individual cities that could be affected are as follows:

Alabama, Muscle Shoals; Arizona, Prescott, Kingman; Arkansas, Hot Springs, Harrison, Jonesboro; California, Merced, Visalia; Colorado, Pueblo; Georgia, Athens; Iowa, Fort Dodge, Burlington; Kansas, Salina; Kentucky, Owensboro; Maine, Augusta, Rockland; Maryland, Hagerstown; Michigan, Iron Mt.; Mississippi, Laurel; Missouri, Joplin, Ft. Leonard Wood; New Hampshire, Lebanon; New Mexico, Hobbs, Alamogordo, Clovis; New York, Watertown, Jamestown, Plattsburgh; Pennsylvania, Johnstown, Oil City, Bradford, Altoona, Lancaster; South Dakota, Brookings, Watertown; Tennessee, Jackson; Vermont, Rutland; West Virginia, Clarksburg/Fairmont, Morgantown.

This year the Senate Commerce Committee and its Aviation Subcommittee will be taking up the reauthorization of aviation programs. I look forward to working with my colleagues Chairmen INOUYE and ROCKEFELLER and Ranking Members STEVENS and LOTT to improve commercial air service programs for rural areas. I do believe our bill is one important step in that process.

As I see it, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could soon see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our bill will preserve the essential air service program and help ensure that affordable, reliable, and safe air service remains available in rural America. Congress is already on record opposing any mandatory cost sharing. I hope all senators will once again join us in opposing this attack on rural America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator BINGAMAN, to introduce the bipartisan Essential Air Service Preservation Act. I am proud to join with Senator BINGAMAN, who has been a steadfast and resolute guardian of commercial aviation service to all communities, particularly rural areas that would otherwise be deprived of any air service.

I have always believed that reliable air service in our Nation's rural areas is not simply a luxury or a convenience. It is an imperative. It is a critical element of economic development, vital to move people and goods to and from areas that may otherwise have dramatically limited transportation options. Quite frankly, I have long held serious concerns about the impact deregulation of the airline industry has had on small- and medium-size cities in rural areas, like Maine. That fact is, since deregulation, many small- and medium-size communities, in Maine and elsewhere, have experienced a decrease in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

This legislation will strike a detrimental provision in the 2003 Federal Aviation Reauthorization. This provision, which would require communities to actually pay to continue to participate in a program that already acknowledges their economic hardship, is patently unfair. Ignoring the promise of the EAS, to protect these communities after deregulating the airlines in 1978, is not an option. Our colleagues have clearly greed with our position, as this provision has been struck down in every appropriations bill since the passage of the 2003 reauthorization. Our bill would make this prohibition permanent.

EAS-eligible communities typically have financial problems of their own and rely heavily on the program for economic development purposes. It is obvious to me, Senator BINGAMAN, and many of my colleagues, that if the 2003 proposal were enacted, it would mean the end of EAS service in dozens of cities and towns across the country. In Maine, which has four participants in the integral EAS program, we would suffer the possible loss of half of our EAS airports. In a small, rural State like Maine, such a reduction would be disastrous to our economy. That is why

I feel compelled to reintroduce this legislation.

In closing, the truth is, everyone benefits when our Nation is at its strongest economically. Most importantly in this case, greater prosperity everywhere, including in rural America, will, in the long run, mean more passengers for the airlines. Therefore, it is very much in our national interests to ensure that every region has reasonable access to air service. And that's why I strongly believe the Federal Government has an obligation to fulfill the commitment it made to these communities in 1978 to safeguard their ability to continue commercial air service.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 435

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 ''Essential Air Service Preservation Act of 2007''.

SEC. 2. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by striking the item relating to section 41747.

By Mr. FEINGOLD:

S. 436. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will introduce a bill to repair and strengthen the presidential public financing system. The Presidential Funding Act of 2007 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2009, so it will first apply in the 2012 presidential election.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required in Buckley. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election, too. In the last election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but took the general election grant.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates the State-by-State spending limits in the current law and substantially increases the overall spending limit from the current limit of approximately $45 million to $150 million, of which up to $100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at $100 million, indexed for inflation. And if a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the ''gap'' between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional $50 million. In addition, the bill allows the political parties to spend up to $25 million between April 1 and the date that a candidate is nominated and an additional $25 million after the nomination. The total amount of $50 million is over three times the amount allowed under current law. This should allow any gap to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting six months before the date of the first primary or caucus, that's approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits federal elected officials and candidates from soliciting soft money for use in funding the party and requires presidential candidates to disclose bundled contributions. Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I ask unanimous consent to be printed in the RECORD, following my statement. I will also ask unanimous consent that the text of the bill itself be printed in the RECORD.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, this is an excellent time to make changes in the Presidential public funding system. The 2008 presidential campaign, which is already underway, will undoubtedly be the most expensive in history. It is likely that a number of candidates from both parties will once again opt out of the primary matching funds system, and some experts predict that one or both major party nominees will even refuse public grants for the

general election period. It is too late to make the changes needed to repair the system for the 2008 election. But if we act now, we can make sure that an updated and revised system is in place for the 2012 election. If we act now, I am certain that the 2008 campaign cycle will confirm our foresight. If we do nothing, 2008 will continue and accelerate the slide of the current system into irrelevancy.

Fixing the presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from $3 to just $10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around $360 million over the 4-year election cycle. To offset that increased cost, this bill caps taxpayer subsidies for promotion of agricultural products, including some brand-name goods, by limiting the Market Access Program to $100 million per year.

Though the numbers are large, this is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act now to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL FUNDING ACT OF 2006—SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4–to-l ratio, so $200 in individual contributions can be matched with $800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to $200 of contributions received after March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave $200 or more prior to April 1.

The bill defines ''contribution'' as ''a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.''

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available six months prior to the first state caucus or primary.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by a primary election spending limit of about $45 million and a general election spending limit of about $75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of $150 million, of which only $100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be $100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about $15 million. The bill provides two limits of $25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20 percent.

This will allow the party to support the presumptive nominee during the so-called ''gap'' between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit ($100 million prior to April 1 and $150 million after April 1), the participating candidate will receive a 5-to–1 match, instead of a 4–to–1 match for contributions of less than $200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate's primary spending limit is raised by $50 million when a nonparticipating candidate raise spends more than the 120 percent of either the $100 million (before April 1) or $150 million (after April 1) limit. The limit is raised by another $50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be $250 million if an opposing candidate has spent more than $240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate's eligibility for increased spending limits, matching funds, and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate's formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2009.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (''PECF'') and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their

full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 10: REGULATION OF CONVENTION FINANCING

Federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

SECTION 11: DISCLOSURE OF BUNDLED CONTRIBUTIONS

(a) Disclosure requirement: The authorized committees of presidential candidate committee must report the name, address, and occupation of each person making a bundled contribution and the aggregate amount of bundled contributions made by that person.

(b) Definition of bundled contribution. A bundled contribution is a series of contributions totaling $10,000 or more that are (1) collected by one person and transferred to the candidate; or (2) delivered directly to the candidate from the donor but include a written or oral communication that the funds were ''solicited, arranged, or directed'' by someone other than the donor. This covers the two most common bundling arrangements where fundraisers get ''credit'' for collecting contributions for a candidate.

SECTION 12: OFFSET

This section provides an offset for the increased cost of the presidential public funding system. It caps taxpayer subsidies for promotion of agricultural products, including some brand-named goods, by limiting the Market Access Program to $100 million per year.

SECTION 13: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2009.

S. 436

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Presidential Funding Act of 2007''.

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

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''an amount equal to the amount'' and inserting ''an amount equal to 400 percent of the amount''; and

(B) by striking ''$250'' and inserting ''$200''.

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—Section 9034(b) of such Code is amended to read as follows:

''(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds $200.''.

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

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

''(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking ''$5,000'' and inserting ''$25,000''.

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking ''$250'' and inserting ''$200''.

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such 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 adding at the end the following new paragraph:

''(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate's authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.''.

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—Section 9032(6) of such Code is amended by striking ''the beginning of the calendar year in which a general election for the office of President of the United States will be held'' and inserting ''the date that is 6 months prior to the date of the earliest State primary election''.

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking ''may make expenditures in excess of'' and all that follows and inserting ''may make expenditures—

''(A) with respect to a campaign for nomination for election to such office—

''(i) in excess of $100,000,000 before April 1 of the calendar year in which the presidential election is held; and

''(ii) in excess of $150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

''(B) with respect to a campaign for election to such office, in excess of $100,000,000.''.

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''section 320(b)(1)(B) of the Federal Election Campaign Act of 1971'' and inserting ''section 315(b)(1)(B) of the Federal Election Campaign Act of 1971''.

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

''(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

''(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed $25,000,000.

''(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate's campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection

(b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

''(ii) The period described in this clause is the period—

''(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

''(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

''(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

''(D) For purposes of this paragraph—

''(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

''(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

''(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.''.

(c) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (2 U.S.C. 441a(c)(1)) is amended—

(A) in subparagraph (B), by striking ''(b), (d),'' and inserting ''(d)(3)''; and

(B) by inserting at the end the following new subparagraph:

''(D) In any calendar year after 2008—

''(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

''(ii) each amount so increased shall remain in effect for the calendar year; and

''(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.''.

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking ''subsections (b) and (d)'' and inserting ''subsection (d)(3)''; and

(ii) by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.''.

(d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS FROM TREATMENT AS EXPENDITURES.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking ''in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)'' and inserting the following: ''who is seeking nomination for election or election to the office of President or Vice President of the United States''.

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) CANDIDATES IN PRIMARY ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL PAYMENTS FOR CANDIDATES FACING NONPARTICIPATING OPPONENTS.—

''(1) IN GENERAL.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

''(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200, and

''(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200.

''(2) CANDIDATES TO WHOM THIS SUBSECTION APPLIES.—A candidate is described in this paragraph if such candidate—

''(A) is eligible to receive payments under section 9033, and

''(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

''(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

''(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

''(3) NONPARTICIPATING PRIMARY CANDIDATE.—In this subsection, the term 'nonparticipating primary candidate' means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

''(4) QUALIFYING DATE.—In this subsection, the term 'qualifying date' means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.''.

(B) CONFORMING AMENDMENT.—Section 9034(b) of such Code, as amended by section 2, is amended by striking ''subsection (a)'' and inserting ''subsections (a) and (c)''.

(2) INCREASE IN EXPENDITURE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

''(i) by $50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

''(ii) by $100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

''(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

''(C) In this paragraph, the term 'eligible candidate' means, with respect to any period, a candidate—

''(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

''(ii) who is opposed by a nonparticipating primary candidate; and

''(iii) with respect to whom the Commission has given notice under section 304(i)(1)(B)(i).

''(D) In this paragraph, the term 'nonparticipating primary candidate' means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.''.

(b) CANDIDATES IN GENERAL ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''(1) The eligible candidates'' and inserting ''(1)(A) Except as provided in subparagraph (B), the eligible candidates''; and

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

''(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.''.

(B) SPECIAL RULE FOR MINOR PARTY CANDIDATES.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking ''(A) The eligible candidates'' and inserting ''(A)(i) Except as provided in clause (ii), the eligible candidates''; and

(ii) by adding at the end the following new clause:

''(ii) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006

and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).''.

(2) EXCLUSION OF ADDITIONAL PAYMENT FROM DETERMINATION OF EXPENDITURE LIMITS.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.''.

(c) PROCESS FOR DETERMINATION OF ELIGIBILITY FOR ADDITIONAL PAYMENT AND INCREASED EXPENDITURE LIMITS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(i) REPORTING AND CERTIFICATION FOR ADDITIONAL PUBLIC FINANCING PAYMENTS FOR CANDIDATES.—

''(1) PRIMARY CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—

''(i) EXPENDITURES IN EXCESS OF 120 PERCENT OF LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(ii) EXPENDITURES IN EXCESS OF 120 PERCENT OF INCREASED LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

''(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

''(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

''(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

''(2) GENERAL ELECTION CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.''.

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) IN GENERAL.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: ''If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.''.

(b) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking ''the time of a certification by the Comptroller General under section 9005 for payment'' and inserting ''the time of making a payment under subsection (b)''.

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) INCREASE IN AMOUNT DESIGNATED.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking ''$3'' each place it appears and inserting ''$10''; and

(2) in the second sentence—

(A) by striking ''$6'' and inserting ''$20''; and

(B) by striking ''$3'' and inserting ''$10''.

(b) INDEXING.—Section 6096 of such Code is amended by adding at the end the following new subsection:

''(d) INDEXING OF AMOUNT DESIGNATED.—

''(1) IN GENERAL.—With respect to each taxable year after 2008, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

''(2) PERCENT DIFFERENCE DESCRIBED.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2008.''.

(c) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

''(e) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.''.

(d) PUBLIC INFORMATION PROGRAM ON DESIGNATION.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

''(f) PUBLIC INFORMATION PROGRAM.—

''(1) IN GENERAL.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

''(2) USE OF FUNDS FOR PROGRAM.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed $10,000,000 with respect to any Presidential election cycle. In this paragraph, a 'Presidential election cycle' is the 4-year period beginning with January of the year following a Presidential election.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) DETERMINATION OF AMOUNTS IN FUND.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.''.

(b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE UNDER THIS ACT.—

(1) IN GENERAL.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) SPECIAL AUTHORITY TO BORROW.—

''(1) IN GENERAL.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

''(B) RATE OF INTEREST.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average

market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.''.

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

SEC. 9. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: '', except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.''.

(b) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking ''section 9006(c) and for payments under section 9008(b)(3)'' and inserting ''section 9006''.

SEC. 10. REGULATION OF CONVENTION FINANCING.

Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

''(g) NATIONAL CONVENTIONS.—Any person described in subsection (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee, municipality, or any other person or entity spending funds in connection with such a convention, unless such funds—

''(1) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

''(2) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.''.

SEC. 11. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

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

''(9) in the case of an authorized committee of a candidate for President, the name, address, occupation, and employer of each person who makes a bundled contribution, and the aggregate amount of the bundled contributions made by such person during the reporting period.''.

(b) BUNDLED CONTRIBUTION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) BUNDLED CONTRIBUTION.—The term 'bundled contribution' means a series of contributions that are, in the aggregate, $10,000 or more and—

''(A) are transferred to the candidate or the authorized committee of the candidate by one person; or

''(B) include a written or oral notification that the contribution was solicited, arranged, or directed by a person other than the donor.''.

SEC. 12. OFFSET.

(a) IN GENERAL.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ''and $200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for fiscal year 2006, and $100,000,000 for fiscal year 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2009.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 437. A bill to provide for the conveyance of an A–12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, today I am introducing a bill to transfer ownership of a 1960s A–12 Blackbird spy plane to the Minnesota Air National Guard Historical Foundation.

The legislation will allow the A–12 to stay in the Minnesota Air National Guard Museum and to be displayed for educational and other appropriate public purposes.

The A–12 Blackbird planes were in many ways the apex of jet design. No known jet is believed to have flown faster—three times the speed of sound, or higher—above 90,000 feet. It is a landmark in the history of aviation that will never be repeated again.

The Minnesota A–12, retired in 1968 and rescued by Minnesota volunteers from a California scrap heap more than a decade ago, is housed at the 133rd Airlift Wing of the Minneapolis-St. Paul International Airport. Almost fifteen thousand Minnesotans contributed to the restoration of the A–12 and the creation of the Blackbird program. Ever since, it has been the centerpiece of the Minnesota Air National Guard Museum. The aircraft is the only A–12 currently used as a hands-on educational resource with a group of highly trained instructors who provide meaningful insight for the general public into the aircraft's history and meaning.

This aircraft is of great significance not only to the volunteers who sacrificed time and resources to restore a great remnant of American history, but also to the citizens of Minnesota and around the country who have benefited greatly from this knowledge of our military history.

Unfortunately, the A–12 is considered to be ''on loan'' from the U.S. Air Force, which recently has decided to transfer the plane to the CIA Headquarters as part of the agency's 60th anniversary celebration. If this plan goes ahead, the plane will no longer be available for public viewing.

Over the years, volunteers throughout Minnesota have generously devoted their time and resources to maintaining this plane. To transfer the plane away from the very people whose hard work has made the aircraft what it is today is simply unfair. It is necessary that we retain this piece of Minnesota history, and keep the Blackbird in a place where it will always be accessible to the public. I hope the Senate will be able to act on this legislation and help to save a significant piece of history.

I ask unanimous consent that the bill I introduce today, to provide for the conveyance of an A–12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation, be printed in the record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 437

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

SECTION 1. CONVEYANCE OF A–12 BLACKBIRD AIRCRAFT TO THE MINNESOTA AIR NATIONAL GUARD HISTORICAL FOUNDATION.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Minnesota Air National Guard Historical Foundation, Inc. (in this section referred to as the ''Foundation''), a non-profit entity located in the State of Minnesota, A–12 Blackbird aircraft with tail number 60–6931 that is under the jurisdiction of the National Museum of the United States Air Force and, as of January 1, 2007, was on loan to the Foundation and display with the 133rd Airlift Wing at Minneapolis-St. Paul International Airport, Minnesota.

(b) CONDITION.—The conveyance required by subsection (a) shall be subject to the requirement that Foundation utilize and display the aircraft described in that subsection for educational and other appropriate public purposes as jointly agreed upon by the Secretary and the Foundation before the conveyance.

(c) RELOCATION OF AIRCRAFT.—As part of the conveyance required by subsection (a), the Secretary shall relocate the aircraft described in that subsection to Minneapolis-St. Paul International Airport and undertake any reassembly of the aircraft required as part of the conveyance and relocation. Any costs of the Secretary under this subsection shall be borne by the Secretary.

(d) MAINTENANCE SUPPORT.—The Secretary may authorize the 133rd Airlift Wing to provide support to the Foundation for the maintenance of the aircraft relocated under subsection (a) after its relocation under that subsection.

(e) REVERSION OF AIRCRAFT.—

(1) REVERSION.—In the event the Foundation ceases to exist, all right, title, and interest in and to the aircraft conveyed under subsection (a) shall revert to the United States, and the United States shall have immediate right of possession of the aircraft.

(2) ASSUMPTION OF POSSESSION.—Possession under paragraph (1) of the aircraft conveyed under subsection (a) shall be assumed by the 133rd Airlift Wing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, and Mr. LEAHY):

S. 438. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER,

KOHL and LEAHY to reintroduce an important bill for all Americans. The bill that we are reintroducing today would reduce barriers to affordable prescription drugs by eliminating one of the prominent loopholes brand name drug companies use to limit access to generic drugs.

Our bill, the Fair Prescription Drug Competition Act of 2007, would end the marketing of so-called ''authorized generics'' during the 180-day period Congress created exclusively for true generics to enter the market. I have spoken with my colleagues many times about this important issue.

In an effort to balance the need for returns on research facilitated by brand name prescription drug companies with the need for more affordable prescription drug options for consumers, Congress passed the Hatch-Waxman law in 1984. This law provided brand name companies with a number of incentives for investing in the research and development of new medications. These included a 20-year patent on drugs, 5 years of data exclusivity, 3 years of exclusivity for clinical trials, up to 5 years of patent extension, 6 months exclusivity for conducting pediatric testing, and a 30-month automatic stay against generic competition if the generic challenges the brand patent. Generic prescription drug manufacturers, on the other hand, received a 180-day exclusivity period, awarded to the first company to successfully challenge a brand name patent and enter the market.

This 6-month exclusivity period has been crucial to encouraging generic drug companies to make existing drugs more affordable. Challenging a brand name drug's patent takes time, money, and involves absorbing a great deal of risk. Generic drug companies rely on the added revenue provided by the 180-day exclusivity period to recoup their costs, fund new patent challenges where appropriate, and ultimately pass savings onto consumers.

Since 1984, there have been many attempts to exploit loopholes in the law in order to delay generic entry to the market and extend brand monopolies. The 2003 Medicare law addressed many of these loopholes. However, brand name manufacturers have found another loophole in current law, so-called ''authorized generics.''

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. Because it is not a true generic and does not require an additional FDA approval, an authorized generic can be marketed during the federally mandated 6-month exclusivity period for generics. This discourages true generic companies from entering the market and offering lower-priced prescription drugs.

As I have said many times, authorized generics are a sham. This practice of re-labeling a brand product and placing it on the market to undermine the 180-day exclusivity period will only serve to reduce generic competition and lead to longer brand monopolies and higher healthcare costs over the long-term.

Brand name drug companies are expected to lose as much as $75 billion over the next 5 years as some of their best sellers go off-patent and generic competition increases. So, not surprisingly, these big pharmaceutical companies are desperately trying to protect their market share and prevent consumers from cashing in on savings from generic drugs,

Today, generic medications comprise more than 56 percent of all prescriptions in this country, and yet they account for only 13 percent of our nation's drug costs. In fact, generic drugs provide 50 to 80 percent cost-savings over brand name drugs. These savings make a big difference in the lives of working families. That is why we must protect the true intent of Hatch-Waxman.

The bill we are introducing today eliminates the authorized generic loophole, protects the integrity of the 180 days, and improves consumer access to lower-cost generic drugs. I urge my colleagues to support this timely and important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 438

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 ''Fair Prescription Drug Competition Act''.

SEC. 2. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

''(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

''(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).''.

Mr. LEAHY. Mr. President, I am pleased today to join Senators ROCKEFELLER, KOHL and SCHUMER in introducing legislation to end the use of so-called ''authorized generics'' during the 180-day period that Congress intended for true generic market exclusivity. Authorized generics are nothing more than repackaged brand name drugs purporting to be a generic, but without the benefit of a true generic's lower cost. This practice is anticompetitive and anti-consumer.

Amendments to the Hatch-Waxman Act of 1984, enacted as part of the Medicare Modernization Act (Title XI, PL 108–173) in 2003, generally grant a generic company that successfully challenges the patent of a name brand pharmaceutical company 180 days of marketing exclusivity on that generic drug. Having co-sponsored those amendments, I know that they were designed to give greater incentives for generic manufacturers to bring generic drugs quickly to the market, thus promoting competition and lowering prices for consumers.

In 2005, Senators GRASSLEY and ROCKEFELLER and I raised concerns about the practice of manufacturing authorized generics. We feared that practice could have a negative impact on competition for both blockbuster and smaller drugs, because the generic industry would be less inclined to invest in their production. According to a recent Generic Pharmaceutical Association study, our fears were well founded: Authorized generics diminish Hatch-Waxman incentives for generic firms to challenge brand name patents, resulting in higher consumer prices.

The legislation we introduce today bars brand name drug firms from producing ''authorized generics.'' Slapping a different name on a patented drug and calling it generic is not real competition, and it saps incentives from real generic drug makers to compete by making lower-cost generic drugs. Consumers deserve the lower costs and real choices of truly generic medicines.

I look forward to working with my colleagues on both sides of the aisle to make this good bill into a good law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI

of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $2,841,799, of which amount (1) not to exceed $4,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $4,978,284, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,113,516, of which amount (1) not to exceed $3,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007 through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 47—HONORING THE LIFE AND ACHIEVEMENTS OF GEORGE C. SPRINGER, SR., THE NORTHEAST REGIONAL DIRECTOR AND A FORMER VICE PRESIDENT OF THE AMERICAN FEDERATION OF TEACHERS

Mr. DODD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 47

Whereas George C. Springer, Sr., formerly Northeast regional director of the American Federation of Teachers (AFT), president of AFT Connecticut, and AFT vice president, was an accomplished union leader, a pillar of the civil rights community, a high school teacher and athletics coach, and a dedicated family man and devoted friend;

Whereas George Springer was known by those who worked with him as a generous mentor, a conciliator, and a skilled problem-solver;

Whereas George Springer, as president of AFT Connecticut, helped strengthen and expand the statewide organization to include not only teachers but also paraprofessionals and other school-related personnel, higher education faculty, healthcare professionals, and public employees, and united them around his vision of a shared destiny and a common commitment to quality services and professional integrity;

Whereas George Springer was an AFT vice president for 13 years and served for 4 years as the chair of the AFT's human rights and community relations committee;

Whereas George Springer cared deeply about the cause of civil rights, was a leader in the National Commission for African American Education, a board member of Amistad America, Inc., vice president of the John E. Rogers African American Cultural Center, and president of the New Britain, Connecticut chapter of the National Association for the Advancement of Colored People;

Whereas George Springer was born in the Panama Canal Zone in 1932, attended Central Connecticut State University, formerly Teachers College of Connecticut, and received a graduate degree from the University of Hartford;

Whereas George Springer was a union activist throughout his 20-year teaching career in New Britain;

Whereas George Springer succumbed on December 19, 2006, at the age of 74, after a long battle with cancer; and

Whereas George Springer is survived by his wife, Gerri Brown-Springer, 4 children, 10 grandchildren, and 4 great-grandchildren: Now, therefore, be it

Resolved, That the Senate honors George C. Springer, Sr. as a dedicated and pioneering leader, and a man of generous spirit who took on tough challenges with courage and compassion.

SENATE RESOLUTION 48—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee on Armed Services for the period March 1, 2007, through September 30, 2007, under this Resolution shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the Committee on Armed Services under this Resolution shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the Committee on Armed Services under this Resolution shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the Committee on Armed Services under this Resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee on Armed Services from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for ''EXPENSES OF INQUIRIES AND INVESTIGATIONS'' .

SENATE RESOLUTION 49—RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF ALASKA INTO THE UNION AS THE 49TH STATE

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas July 7, 2008 marks the 50th anniversary of the enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorized the entry of Alaska into the Union on January 3, 1959;

Whereas the land once known as ''Seward's Folly'' is now regarded as critical to the strategic defense of the United States and important to our national and economic security;

Whereas the people of Alaska remain committed to the preservation and protection of the Union, with among the highest rates of veterans and residents in active military service of any State in the Nation;

Whereas Alaska is the northernmost, westernmost, and easternmost State of the Union, encompassing an area one-fifth the size of the United States;

Whereas the State of Alaska has an abundance of natural resources vital to the Nation;

Whereas Alaska currently provides over 16 percent of the daily crude oil production in the United States and has 44 percent of the undiscovered oil resources and 36 percent of undiscovered conventional gas in the United States;

Whereas Alaska's 34,000 miles of shoreline form a gateway to one of the world's greatest fisheries, providing over 60 percent of the country's commercial seafood harvest;

Whereas over 230 million acres of Alaska are set aside in national parks, wildlife refuges, national forests, and other conservation units for the benefit of the entire country;

Whereas over 58 million acres are designated wilderness in Alaska, representing 55 percent of the wilderness areas in the United States;

Whereas Alaska Natives, the State's first people, are an integral part of Alaska's history, and preserving the culture and heritage of Alaska's Native people is of primary importance;

Whereas the passage of the Alaska Native Claims Settlement Act in 1971 signaled a new era of economic opportunity for Alaska Natives;

Whereas Alaska's Native people have made major contributions to the vitality and success of Alaska as a State;

Whereas the people of Alaska represent the pioneering spirit that built this great Nation and contribute to our cultural and ethnic diversity; and

Whereas the golden anniversary, on January 3, 2009, provides an occasion to honor Alaska's entry into the Union: Now, therefore, be it

Resolved, That Congress recognizes and celebrates the 50th anniversary of the entry of Alaska into the Union as the 49th State.

SENATE RESOLUTION 50—AMENDING SENATE RESOLUTION 400 (94TH CONGRESS) TO MAKE AMENDMENTS ARISING FROM THE ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 AND TO MAKE OTHER AMENDMENTS)

Mr. ROCKEFELLER submitted the following resolution; from the Select Committee on Intelligence; which was placed on the calendar:

S. RES. 50

Resolved,

SECTION 1. AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) ARISING FROM ENACTMENT OF INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 3—

(A) in subsection (a)—

(i) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively;

(ii) by striking paragraph (1) and inserting the following new paragraphs:

''(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

''(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.''; and

(iii) in paragraph (5), as so redesignated—

(I) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(II) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

''(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.''; and

(III) in subparagraph (H), as so redesignated—

(aa) by striking ''clause (A), (B), or (C)'' and inserting ''clause (A), (B), (C), or (D)''; and

(bb) by striking ''clause (D), (E), or (F)'' both places it appears and inserting ''clause (E), (F), or (G)''; and

(B) in subsection (b)(1), by striking ''clause (1) or (4)(A)'' and inserting ''clause (1), (2), (5)(A), or (5)(B)'';

(2) in section 4(b), by inserting ''the Director of National Intelligence,'' before ''the Director of the Central Intelligence Agency'';

(3) in section 6, by striking ''the Director of Central Intelligence'' both places it appears and inserting ''the Director of National Intelligence''; and

(4) in section 12—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by striking paragraph (1) and inserting the following new paragraphs:

''(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

''(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.''.

SEC. 2. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REDESIGNATION OF SELECT COMMITTEE ON STANDARDS AND CONDUCT AS SELECT COMMITTEE ON ETHICS.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 6, by striking ''the Select Committee on Standards and Conduct'' and inserting ''the Select Committee on Ethics''; and

(2) in section 8—

(A) in subsection (d), by striking ''the Select Committee on Standards and Conduct'' and inserting ''the Select Committee on Ethics''; and

(B) in subsection (e), by striking ''the Select Committee on Standards and Conduct'' both places it appears and inserting ''the Select Committee on Ethics''.

SEC. 3. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REMOVING REFERENCE TO THE INTELLIGENCE DIVISION OF THE FEDERAL BUREAU OF INVESTIGATION.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended by striking '', including all activities of the Intelligence Division'' in—

(1) paragraph (5)(F) of section 3(a), as redesignated by section 1(1)(A)(i); and

(2) paragraph (7) of section 12, as redesignated by section 1(4)(A).

SEC. 4. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REFERENCES TO SENATE RULES.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 2(b), by striking ''paragraph 6(f)'' and inserting ''paragraph 4(e)(1)''; and

(2) in section 8(b)(5)—

(A) in the matter preceding subparagraph (A), by striking ''section 133(f) of the Legislative Reorganization Act of 1946'' and inserting ''paragraph 5 of rule XVII of the Standing Rules of the Senate''; and

(B) in the flush text after subparagraph (C), by striking ''section 133(f) of the Legislative Reorganization Act of 1946'' and inserting ''paragraph 5 of rule XVII of the Standing Rules of the Senate''.

SEC. 5. OTHER TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS).

Section 3(b)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended by striking ''the session'' and inserting ''in session''.

SENATE RESOLUTION 51—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved,

SECTION 1. AUTHORITY TO MAKE EXPENDITURES.

In carrying out its powers, duties, and functions under Senate Resolution 400, agreed to May 19, 1976 (94th Congress), as amended by Senate Resolution 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under section 3 and section 17 of such Senate Resolution 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such Senate Resolution 400, the Select Committee on Intelligence is authorized during the periods from

March 1, 2007 through September 30, 2007, from October 1, 2007 through September 30, 2008, and from October 1, 2008 through February 28, 2009, in the Committee's discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the department or agency of the United States concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

SEC. 2. AMOUNT OF EXPENDITURES.

(a) MARCH 1, 2007 THROUGH SEPTEMBER 30, 2007.—The expenses of the Select Committee on Intelligence for the period March 1, 2007 through September 30, 2007, under this resolution shall not exceed $3,334,682.15, of which amount—

(1) not to exceed $32,083.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(2) not to exceed $5,834.00 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)).

(b) OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.—For the period October 1, 2007 through September 30, 2008, expenses of the Select Committee on Intelligence under this resolution shall not exceed $5,848,084.42, of which amount—

(1) not to exceed $55,000.00 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(2) not to exceed $10,000.00 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)).

(c) OCTOBER 1, 2008 THROUGH FEBRUARY 28, 2009.—For the period October 1, 2008 through February 28, 2009, expenses of the Select Committee on Intelligence under this resolution shall not exceed $2,483,179.75, of which amount—

(1) not to exceed $22,917.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 194 (2 U.S.C. 72a(i)); and

(2) not to exceed $4,166.00 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)).

SEC. 3. REPORT.

The Select Committee on Intelligence shall report the Committee's findings, together with such recommendations for legislation as the Committee deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. EXPENSES PAID FROM THE CONTINGENT FUND.

Expenses of the Select Committee on Intelligence authorized to be paid under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. AUTHORITY FOR AGENCY CONTRIBUTIONS.

There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Select Committee on Intelligence, from March 1, 2007 through September 30, 2007, from October 1, 2007 through September 30, 2008, and from October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 222. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 223. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 224. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 219 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 225. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 226. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table .

SA 227. Mr. REID submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 228. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 222. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after date of enactment.

SA 223. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after date of enactment.

SA 224. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 219 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 5 of the amendment, strike lines 3 through 6, and insert the following:

(e) APPLICABLE CALENDAR QUARTER.—For purposes of this section, the term ''applicable calendar quarter'' means any calendar quarter beginning after the date of the enactment of this Act and before January 1, 2008.

SA 225. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike all after the first word of the matter to be inserted and insert the following:

___. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

''(5) if such employee is employed in agriculture, not less than the greater of—

''(A) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

''(B) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for workers who are employed in agriculture in the area of work to be performed.''.

SA 226. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROVISIONS TO IMPROVE AND EXPAND THE AVAILABILITY OF HEALTH SAVINGS ACCOUNTS.

(a) PROVISIONS RELATING TO ELIGIBILITY TO CONTRIBUTE TO HSAS.—

(1) INDIVIDUALS ELIGIBLE FOR REIMBURSEMENT UNDER SPOUSE'S FLEXIBLE SPENDING ARRANGEMENT.—Section 223(c)(1) (defining eligible individual) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR CERTAIN FLEXIBLE SPENDING ARRANGEMENTS.—For purposes of subparagraph (A)(ii), an individual shall not

be treated as covered under a health plan described in such subparagraph merely because the individual is covered under a flexible spending arrangement (within the meaning of section 106(c)(2)) which is maintained by an employer of the spouse of the individual, but only if—

''(i) the employer is not also the employer of the individual, and

''(ii) the individual certifies to the employer and to the Secretary (in such form and manner as the Secretary may prescribe) that the individual and the individual's spouse will not accept reimbursement under the arrangement for any expenses for medical care provided to the individual.''.

(2) INDIVIDUALS OVER AGE 65 AUTOMATICALLY ENROLLED IN MEDICARE PART A.—Section 223(b)(7) (relating to contribution limitation on medicare eligible individuals) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to any individual during any period the individual's only entitlement to such benefits is an entitlement to hospital insurance benefits under part A of title XVIII of such Act pursuant to an automatic enrollment for such hospital insurance benefits under the regulations under section 226(a)(1) of such Act.''

(3) INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—Section 223(c)(1) (defining eligible individual), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives periodic hospital care or medical services for a service-connected disability under any law administered by the Secretary of Veterans Affairs but only if the individual is not eligible to receive such care or services for any condition other than a service-connected disability.''.

(b) FAMILY PLAN MAY HAVE INDIVIDUAL ANNUAL DEDUCTIBLE LIMIT.—Section 223(c)(2) (defining high deductible health plan) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR FAMILY COVERAGE.—A health plan providing family coverage shall not fail to meet the requirements of subparagraph (A)(i)(II) merely because the plan elects to provide both—

''(i) an aggregate annual deductible limit for all individuals covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(II), and

''(ii) an annual deductible limit for each individual covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(I).''.

(c) DEFINITION OF QUALIFIED MEDICAL EXPENSES.—

(1) PREMIUMS FOR LOW PREMIUM HEALTH PLANS TREATED AS QUALIFIED MEDICAL EXPENSES.—Subparagraph (C) of section 223(d)(2) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) a high deductible health plan, but only if the expenses are for coverage for a month with respect to which the account beneficiary is an eligible individual by reason of the coverage under the plan.''.

(2) SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—Paragraph (2) of section 223(d) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

''(i) during either—

''(I) the taxable year in which the health savings account was established, or

''(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

''(ii) for medical care of an individual during a period that such individual was an eligible individual.

For purposes of clause (ii), an individual shall be treated as an eligible individual for any portion of a month the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 227. Mr. REID submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike all after the first word of the matter to be inserted and insert the following:

___. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SA 228. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 2 and all that follows through page 4, line 2, and insert the following:

SEC. ___. EXPANSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

''(A) the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents, and

''(B) in the case of any taxable year beginning in 2008, the amount paid during the taxable year for insurance which constitutes medical care for—

''(i) any individual—

''(I) who was not the spouse, determined without regard to section 7703, of the taxpayer at any time during the taxable year of the taxpayer,

''(II) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins or who is a student who has not attained the age of 24 as of the close of such calendar year,

''(III) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

''(IV) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which the taxpayer's taxable year begins, and

''(ii) an individual—

''(I) who is designated by the taxpayer for purposes of this paragraph,

''(II) who is not the spouse of the taxpayer and does not bear any relationship to the taxpayer described in subparagraphs (A) through (G) of section 152(d)(2), and

''(III) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

For purposes of subparagraph (B)(ii), not more than 1 person may be designated by the taxpayer for any taxable year.''.

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 162(l)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) OTHER COVERAGE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any eligible subsidized health plan.

''(ii) APPLICATION OF SUBPARAGRAPH.—Clause (i) shall be applied separately with respect to—

''(I) plans which include coverage for qualified long-term care services (as defined in section 7702B(c)) or are qualified long-term care insurance contracts (as defined in section 7702B(b)), and

''(II) plans which do not include such coverage and are not such contracts.

''(iii) ELIGIBLE SUBSIDIZED HEALTH PLAN.—For purposes of this subparagraph, the term 'eligible subsidized health plan' means a subsidized health plan maintained by any employer of—

''(I) the taxpayer or the taxpayer's spouse, or

''(II) in the case of any taxable year beginning in 2008, any individual described in paragraph (1)(B).''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, January 31, 2007, at 9:30 a.m., to conduct its organization meeting for the 110th Congress.

For further information regarding this meeting, please contact Howard Gantman at the Rules and Administration Committee at 224–6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee

on Rules and Administration will meet on Wednesday, February 7, 2007, at 10 a.m., to conduct a hearing on the Hazards of Electronic Voting—Focus on the Machinery of Democracy.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee at 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 9:30 a.m., in open session to consider the nomination of Admiral William J. Fallon, USN, to be reappointed in the grade of Admiral and to be Commander, United States Central Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, January 30, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the status of Federal land management agencies' efforts to contain the costs of their wildfire suppression activities and to consider recent independent reviews of and recommendations for those efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, January 30, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on transportation sector fuel efficience, including challenges to and incentives for increased oil savings through technological innovation including plug-in hybrids.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet in Executive Session during the session of the Senate on Tuesday, January 30, 2007, at 9 a.m. in room SD–406.

The Environment and Public Works Committee will hold a Business Meeting to consider the following agenda:

COMMITTEE FUNDING RESOLUTION

The full Committee on Environment and Public Works will conduct a hearing entitled, ''Senators' Perspectives on Global Warming.'' The purpose of the hearing is to hear from each Senator about his or her views on global warming, and what the Senator believes the Nation's response should be to the issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 9:15 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 1 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to meet to conduct a hearing on ''Exercising Congress's Constitutional Power to End a War'' for Tuesday, January 30, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: David J. Barron, Professor of Law, Harvard Law School, Cambridge, MA; Bradford Berenson, Partner, Sidley Austin LLP, Washington, DC.; Walter Dellinger, Douglas B. Maggs Professor of Law, Duke University School of Law, Former Acting Solicitor General of the United States, Durham, NC; Louis Fisher, Specialist in Constitutional Law, Law Library, Library of Congress, Washington, DC; Robert F. Turner, Center for National Security Law, University of Virginia School of Law, Charlottesville, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 30, 2007 at 2:30 p.m. to hold a closed hearing and business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 149

Mr. REID. Mr. President, I ask unanimous consent that S. 149 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I said at a meeting with the press earlier today how much I appreciate the Republicans supporting cloture on this minimum wage bill. I hope we are going to have a good bipartisan vote on this bill. There is no question in my mind we will. We have done ethics reform. We are going to do the minimum wage and then move on to something else. I hope we can work on a bipartisan basis.

Mr. President, as you know, we have debate on Iraq coming up when we finish this bill. We are trying to figure out exactly what we are going to be debating because it is a moving target on both sides. We hope to get that done.

I want the record to reflect that I think we are making good progress, and we are doing some legislating. That is very important to the Senate and the country.

ORDERS FOR WEDNESDAY, JANUARY 31, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Wednesday, January 31, at 9:30 a.m.; that on Wednesday following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of Senator WYDEN; that following morning business, the Senate resume consideration of H.R. 2, the minimum wage bill; that all time during the recess on Tuesday and during the adjournment count against the 30-hour postcloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, for the information of the Senate, we are now close to completing action on all germane amendments that are pending to H.R. 2. It is my understanding that Senator KYL will be here in the morning, and we will resume the bill to debate his amendments. Therefore, Members should be advised to expect rollcall votes tomorrow, and the votes could occur prior to noon.

Does the distinguished Republican leader have anything to say?

Mr. MCCONNELL. No. Let me say to my friend, the majority leader, I think we have gotten off to a good start this year. We are close to accomplishing two important pieces of legislation with overwhelming bipartisan support. We look forward to moving ahead with a rather contentious debate next week but a debate we obviously ought to have. It is the most important issue in the country with a lot of passionate feelings on both sides of the issue, and

we will have a grand debate in the tradition of the United States Senate next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, January 31, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, January 30, 2007:

THE JUDICIARY

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.